34TH ANNUAL REPORT

OF THE

INTERSTATE COMMERCE COMMISSION

DECEMBER 1, 1920

WASHINGTON
GOVERNMENT PRINTING OFFICE
1920

THE INTERSTATE COMMERCE COMMISSION.

EDGAR E. CLARK, CHAIRMAN.
CHARLES C. McCHORD.
BALTHASAR H. MEYER.
HENRY C. HALL.
WINTHROP M. DANIELS.
CLYDE B. AITCHISON.
ROBERT W. WOOLLEY.
JOSEPH B. EASTMAN.
HENRY J. FORD.
MARK W. POTTER.

GEORGE B. McGINTY, *Secretary.*

CONTENTS.

APPENDIXES.

REPORT OF THE

INTERSTATE COMMERCE COMMISSION.

WASHINGTON, D. C., *December 1, 1920.*

To the Senate and House of Representatives:

The Interstate Commerce Commission has the honor to submit its thirty-fourth annual report to the Congress. The period covered by this report extends from November 1, 1919, to October 31, 1920, except as otherwise noted.

On February 28, 1920, the President approved the transportation act, 1920, and on March 1, 1920, at 12.01 a. m., relinquished the possession and control of all railroads and systems of transportation then under Federal control, restoring them to the possession and control of their respective owners.

The transportation act, 1920, greatly enlarged our duties and powers. Title IV of that act amended in many respects the act to regulate commerce, thereafter to be known as the interstate commerce act, and embodies remedial legislation of a permanent nature. Title III is confined to disputes between carriers and those in their employ. Other titles contain provisions relating principally to the transition from Federal to private control of railroads and systems of transportation. In view of the careful consideration given to the transportation act during the time it was pending before the Congress and the wide publicity attendant upon its passage, we deem it unnecessary to attempt a summary of the changes made by that act. Action taken by us responsive to these changes is reported under appropriate headings.

NOMINATIONS TO THE RAILROAD LABOR BOARD.

Section 304 of the transportation act, 1920, established the Railroad Labor Board. That board comprises nine members, three constituting the labor group, representing the employees and subordinate officials, three constituting the management group, and three constituting the public group.

Section 304 provided that the President should appoint, by and with the advice and consent of the Senate, from not less than six

nominees by the employees and subordinate officials three members of the labor board; and similarly the President should appoint from not less than six nominees three members of the labor board to represent the management group, and three members representing the public group.

Section 305 provided that if either the employees or the carriers failed to present their nominations in accordance with regulations to be prescribed by us within 30 days after the passage of the act, the President should thereupon directly make the appointments. It became necessary, therefore, promptly to prescribe regulations governing the making and offering of nominations for appointment to the labor board. It was also necessary to define the term "subordinate official" after notice and hearing, as prescribed in paragraph 5 of section 300 of the transportation act.

Accordingly, under date of March 8, we issued regulations governing the making and offering of nominations for appointment to the labor board. For this purpose we grouped certain cognate organizations of employees into three groups with respect to the more or less analogous character of the services performed, and required the accredited representatives of the organizations in each of the three groups who were duly authorized so to act to agree among themselves upon nominees representative of the group, but requiring that the three groups should present a total of not less than six nominees. We required that the nominations so agreed upon should be transmitted direct to the President accompanied by a certificate that the nominations had been made in accordance with our regulations.

Similarly we authorized the Association of Railway Executives, representing approximately 95 per cent of the country's railroad mileage, to present nominations representing the management group not less than six in number, which nominations were to be transmitted direct to the President accompanied by a certificate that the nominations had been made in accordance with our regulations.

On March 15, after due notice, we held a hearing to determine what classes of officials should be included within the term "subordinate official" as that term is used in sections 300 to 313, both inclusive, of the transportation act, 1920. On March 23 we issued regulations designating the classes of employees to be included within the term "subordinate official." On March 23 we issued supplemental regulations governing the making and offering of nominations for appointment of members of the labor board. In these regulations it was concluded that the expression "such employees" who by the act were to make and offer nominations for appointment to the labor board properly included subordinate officials as defined by us. We also found that, inasmuch as the organizations named in our

original regulations included, or might include, a small percentage of subordinate officials, subordinate officials not so included, as well as employees not members of or represented through the organizations originally named by us, were entitled to make and offer nominations for members of the labor group. Accordingly we supplemented the original regulations by adding a fourth group, which comprised all organizations which had averred that their separate right to make nominations should have been accorded them under the transportation act, with the exception of two organizations whose membership we held was not that included in the term "subordinate official." The accredited representatives of the organizations in this fourth group were similarly authorized to agree among themselves upon nominees representative of each organization or jointly representative of a number of such organizations.

In accordance with the regulations prescribed, the names of nominees were duly forwarded to the President.

Some dissatisfaction manifesting itself as to the definition of the term "subordinate officials," a further public hearing was had on October 1 to determine whether the regulations defining the term "subordinate officials" should be extended or otherwise modified. On November 1 we promulgated revised regulations designating the classes of employees to be included within that term.

REORGANIZATION.

The change in duties and the additions to our membership both required us to make a reexamination of our administrative machinery and internal organization.

Prior to 1917 all matters requiring Commission action had to be passed upon by a quorum of the entire body. By an act of Congress approved August 9, 1917, we were authorized to divide our membership into as many divisions as might be deemed necessary, and to assign or refer any of our work, business, or functions to a division for action. Divisions so constituted were, by the act, given authority by a majority thereof to prosecute and conclude matters so assigned or referred with the same effect as if the resulting action had been taken by the Commission, subject to rehearing by the Commission itself.

As permitted by the act of 1917, on October 17, 1917, we divided our membership into three divisions, known respectively as Divisions 1, 2, and 3, and provided for the monthly rotation of these divisions in hearing arguments in cases, other than those specially reserved for consideration by the whole Commission. Certain branches of our administrative work were assigned to each of the divisions. In our thirty-first annual report to the Congress, at pages 60 and 61, we

stated the details of such assignments. The survey of the situation created by the enactment of the transportation act, 1920, and other legislation, led us by successive steps to create five divisions, known respectively as Divisions 1, 2, 3, 4, and 5. Each division consists of three members, except Division 4, which is composed of four members. By law the commissioner in each division, senior in service, is its chairman.

The monthly rotation of Divisions 1, 2, and 3 for the purpose of hearing argument in and determining such cases as are not reserved for consideration by the full Commission has continued. In addition, the respective divisions are charged with the following duties:

Division 1: The conduct of the work of the bureau of valuation, and generally with the conduct and determination of matters arising under section 19a of the interstate commerce act, relating to the valuation of railroads; matters arising under the safety-appliance acts, the accident-report act, the hours-of-service act, the ash-pan act, the boiler-inspection act, the block-signal resolution; and section 26 of the interstate commerce act, which has to do with the requirement for the installation of automatic train stops and train control, or other safety devices.

Division 2: The disposition of applications and requests for suspension of rates, fares, and charges under paragraph (7) of section 15 of the interstate commerce act; under section 4, the long-and-short-haul provision; and under section 6, relating to the printing and filing of schedules of rates, fares, and charges. This division also is charged with the disposition of cases on the special docket, involving awards of reparation when rates have been exacted which are conceded to have been unreasonable; the formulation of regulations for the safe transportation of explosives and other dangerous articles; requests and applications for authority to establish and maintain tariffs carrying released rates under section 20 of the interstate commerce act; and matters arising under section 208(a) of the transportation act, 1920, which prohibits reductions in the rates, fares, and charges which on February 29, 1920, were in effect on lines of carriers subject to the interstate commerce act, prior to September 1, 1920, without approval by the Commission.

Division 2 is also charged with the disposition of matters coming from the board of reference, composed of chiefs of various sections, which passes upon minor matters of an administrative character, as to which our policy is deemed to have been settled by our previous rulings.

Division 3: The disposition of formal cases not orally argued which are not allotted to a commissioner or reserved by the Commission; and the disposition of recommendations of our bureau of inquiry as to prosecutions and proceedings for the collection of penalties

for violations of the interstate commerce act, the Elkins Act, and other related acts.

Division 4: Matters arising under sections 204, 209, and 210 of the transportation act, 1920, which relate, respectively, to the reimbursement of carriers for deficits during Federal control; the guaranty to carriers during the six months beginning March 1, 1920; and new loans to railroads. To Division 4 have also been assigned matters arising under paragraphs (18) to (20), inclusive, of section 1 of the interstate commerce act, with respect to the issuance of certificates of convenience and necessity for new construction or abandonment of railroads; matters arising under paragraphs (6) (a), (b), and (c) of section 5 of the interstate commerce act, the approval of the consolidation of railroad carriers, and under section 20a of the same act concerning the regulation of the issuance of securities of carriers by railroad.

Division 5: Matters arising under paragraphs (10) to (17), inclusive, and (21) and (24) of section 1 of the interstate commerce act, as to car service, extensions of lines, and priority of transportation during war upon the direction of the President; also matters arising under paragraph (4) of section 3, respecting the common use of terminals by carriers; under paragraph (13) (a) of section 6, concerning physical connection between rail lines and docks; and under paragraph (10) of section 15, with regard to the routing as between carriers of traffic which is unrouted by the shipper.

From the assignment of work outlined there has been reserved for consideration and disposition by the full Commission, all general investigations heretofore entered upon or hereafter to be instituted; also applications for rehearing, reargument, and other consideration, and certain other particularly enumerated cases. Cases under submission were not affected by this assignment.

The diversity and importance of the various duties now cast upon us, and the need for their expeditious performance, seem to have been recognized by the Congress in making possible this division of work and responsibility among our members. Necessarily, more than ever before individual commissioners must assume the initial responsibility for certain lines of work. As all petitions for rehearing are brought before the whole Commission, and as our internal regulations provide for the free and full interchange of information and views as to all work in progress, including frequent conferences of the entire body as the occasion arises, it is possible to coordinate and harmonize the actions of the various divisions into a consistent general policy.

Our reorganization, together with the expansion of our administrative forces, necessitated reclassification of the various activities of our bureaus and sections. We have reduced the number of bu-

reaus by consolidation and rearrangement, so that each now has to do with a principal function of our work. In this organization of administrative forces the guiding principle is to keep the organization as simple as possible, with centralized responsibility, and to afford a ready means to bring to bear the judgment of the Commission on any matter. Each bureau has a single head, who reports to a commissioner, who in turn can bring matters to a division, or, if need be, to the entire Commission, for determination. The exception to this rule is the bureau of valuation, which reports directly to Division 1. The majority of matters are dealt with by a division. Minor administrative matters are disposed of by the commissioner in immediate charge of the particular bureau.

GENERAL INCREASES IN RATES.

Section 15a of the interstate commerce act provides as follows:

In the exercise of its power to prescribe just and reasonable rates the Commission shall initiate, modify, establish, or adjust such rates so that carriers as a whole (or as a whole in each of such rate groups or territories as the Commission may from time to time designate) will, under honest, efficient, and economical management and reasonable expenditures for maintenance of way, structures, and equipment, earn an aggregate annual net railway operating income equal, as nearly as may be, to a fair return upon the aggregate value of the railway property of such carriers held for and used in the service of transportation: * * * *Provided*, That during the two years beginning March 1, 1920, the Commission shall take as such fair return a sum equal to 5½ per centum of such aggregate value, but may, in its discretion, add thereto a sum not exceeding one-half of 1 per centum of such aggregate value to make provision in whole or in part for improvements, betterments, or equipment, which, according to the accounting system prescribed by the Commission, are chargeable to capital account.

In response to inquiries directed to us by the carriers, we said that it would be appropriate for them to formulate specific requests for the establishment of rates which in their judgment would produce substantially the income they were authorized to earn under section 15a of the act. We also tentatively announced that for purposes of compliance with section 15a carriers of the country would be considered by us in three groups, conforming generally to the three major classification territories, viz, eastern, southern, and western.

Carriers filed in May, 1920, petitions seeking general increases in charges for transportation of property in amounts alleged to be necessary to produce net revenues sufficient to yield an annual return of 6 per cent upon the cost of their properties as shown upon their books. The proposal then was that the increases should be confined to freight traffic. General percentage increases were suggested as follows: In eastern territory, 30 per cent; in western territory, 24 per cent, and in southern territory, 31 per cent.

These proposals were given wide distribution by the carriers to shippers and others throughout the country, following which hearings were held by us extending over a period of more than five weeks.

In harmony with the provisions of paragraph (3) of section 13 of the act, we invited the National Association of Railway and Utilities Commissioners to select three of their number as representatives of the state bodies, to sit with us during the course of the proceedings. Three such representatives were appointed: Hon. William D. B. Ainey, chairman of the Public Service Commission of Pennsylvania; Hon. Royal C. Dunn, of the Railroad Commission of Florida; and Hon. John A. Guiher, of the Board of Railroad Commissioners of Iowa, who sat with us throughout the hearings and oral argument, and in all conferences.

The carriers' proposals represented the views of the majority of the carriers of the country, but some of those in the southwest and in the northeastern part of western classification territory urged a subdivision of that territory into three groups, alleging greater needs and requesting higher percentages of increase for themselves than for the remaining carriers in western territory. The statistics submitted in support of their proposals, however, included data relating to conditions on so many lines not within the proposed subdivisions, and excluded so much mileage of carriers within them as to lead us to conclude that a subdivision along the lines suggested was impracticable. We did find it proper, however, to divide western territory into two groups by a north and south line corresponding roughly with the eastern border of the Rocky Mountains, the eastern and western portions as divided being termed "western" and "mountain Pacific" groups, respectively. This subdivision was based upon the different needs of the carriers, the divergent levels of existing rates, and other important considerations, it appearing that the carriers serving the territory west of the line described were on the whole in a substantially more favorable financial condition than were the remaining carriers in western classification territory. It was therefore concluded that there was no necessity or justification for increasing their rates to the same extent as in the territory east of the said line.

Subsequent to the hearings, but prior to a determination, the United States Railroad Labor Board issued its report of July 20, 1920, directing increases in the compensation of many classes of railway employees, estimated to amount to approximately $618,000,000 per annum. These wage increases were not included in the estimates shown in the carriers' original applications for increased rates, but there was no objection on the part of anyone represented at the hearings to the addition of an amount necessary to meet such wage increases. Following announcement of this award, amended proposals

were submitted by the carriers covering, in addition to freight, all other classes of traffic.

The applications of the carriers contemplated the use of the cost of road and equipment of all classes of carriers shown upon their books as the aggregate value upon which to determine the revenue needed to produce a reasonable return, such amounts being defined in their applications as follows:

Eastern group	$9,038,194,615
Southern group	2,183,923,124
Western group	8,818,454,872
Total	20,040,572,611

To this carriers would have added working capital and material and supplies.

From a consideration of all the facts presented, including available data obtained in our valuation work, we found the value of the property of the steam-railway carriers to be, including working capital and material and supplies on hand, for the purposes of the case before us, as follows:

Eastern group	$8,800,000,000
Southern group	2,000,000,000
Western group, including both the western and mountain-Pacific groups	8,100,000,000
Total	18,900,000,000

Our report in *Increased Rates, 1920*, 58 I. C. C., 220, was promulgated July 29, 1920. We held that the following percentage increases in transportation charges upon interstate traffic would, under the conditions shown to exist, result in rates not unreasonable under section 1 of the act and enable the carriers to earn a return of 6 per cent upon the value of their property held and used in the service of transportation, as provided in section 15a of the act:

(*a*) Upon all passenger traffic and services accessorial thereto, 20 per cent;

(*b*) A surcharge or extra charge, to accrue to the rail carriers, upon all passengers using sleeping, parlor, or other special equipment, amounting to 50 per cent of the charge for space occupied in such equipment;

(*c*) Upon freight traffic in the eastern group, 40 per cent; in the western group, 35 per cent; in the southern group, 25 per cent; in the mountain-Pacific group, 25 per cent; and upon traffic between different groups, 33⅓ per cent.

These increases were necessary to meet the increased costs of labor and materials and to produce "as nearly as may be" a net revenue in accord with the provisions of section 15a of the act. As elsewhere noted, the approximate annual increased wage expense due

to the July, 1920, award of the labor board is $618,000,000. In addition provision had to be made for the increased cost of fuel and supplies, principally the former, the heavy advance in the price of coal and fuel oil having added greatly to the expenses of practically all carriers.

In reaching these conclusions consideration was given to all the evidence adduced at the hearings and to all other available data bearing upon the issues contained in the annual and other official reports of the carriers filed with us.

The representatives of the state railway commissions who took part in the proceedings concurred in the conclusions reached and issued a statement to state commissions throughout the country to that effect.

To permit the increased rates to be made effective with as little delay as possible, we authorized the carriers to make effective on five days' notice the increased charges by percentage tables applicable to the existing rates, fares, and charges. Accordingly, special tariffs were filed by practically all carriers in the United States and the increased charges made effective August 26, 1920, with the understanding that such schedules would be reissued in specific form complying with all our regulations by certain dates fixed in our orders.

The carriers presented to all state commissions throughout the country applications similar to those filed with us. The records of the hearings and argument conducted before us were made available to all such commissions, and increases upon intrastate traffic were approved by them as follows:

Freight traffic:	States.
Increases approved in full as per our report	24
Increases approved with exceptions	17
Smaller percentage increases than allowed by us approved by	5
All increase denied	2
Total	48

Passenger traffic:	
Increases approved in full	23
Increases approved with exceptions	7
No increase allowed because statutory provisions prevent action by state commissions	13
Increases denied	3
Increases denied in part	2
Total	48

Carriers operating in various states thereupon filed with us, under section 13 of the act, petitions alleging that the failure to authorize in full the same measure of increase as approved by us results, and will continue to result, in undue preference in favor of intrastate traffic and unjust, undue, and unreasonable discrimination and preju-

dice against interstate commerce, and seeking orders from us requiring the application upon intrastate traffic of the full increases fixed by us and made effective upon interstate traffic. Pursuant to the act we have instituted investigations upon such petitions, and those investigations are now in progress.

The only basis of comparison available in determining the rates which should be established in compliance with section 15a of the act is to be found in the volume of traffic in the past, and estimates of the expenses, volume of traffic, and other relevant factors likely to exist in the near future. Necessarily rates so established have an element of uncertainty because the costs, volume of traffic, and other factors to be encountered by the carriers are not ascertainable with exactness. It is therefore impossible to speak with confidence as to results until a reasonable period has elapsed.

EXPRESS COMPANIES.

Following the period of Federal control the American Railway Express Co. filed petition for authority to establish schedules of express rates under which the average general increase was computed to be 25.16 per cent.

An investigation was instituted by us and hearings were held at representative points throughout the country.

It was shown that the express business had been conducted at a loss for several years, and that although the gross transportation revenues had steadily increased, operating expenses had also increased in such proportions as to create a deficit. During the period of Federal control the express company was protected against actual loss by the United States Railroad Administration and during the guaranty period, March 1 to September 1, by the provisions of the transportation act, 1920.

We found that the proposed increased rates had not been justified and that, if granted as proposed, one-half of the additional gross revenue would accrue to the carriers over whose lines the express company operates. We further found that an increase of 12.5 per cent had been justified and that the full amount thereof should accrue to the express company. *Express Rates, 1920*, 58 I. C. C., 281. Schedules of rates so increased were made effective September 1, 1920.

By supplemental petition filed August 19, 1920, the express company brought to our attention decisions Nos. 2 and 3 of July 20 and August 10, 1920, respectively, of the labor board awarding increased wages to certain classes of the express company's employees. These wage increases, together with those incident thereto, were estimated to aggregate $44,258,903 per annum, and to cover increases in its operating expenses the express company requested authority

to establish an additional increase of 15 per cent in its class and commodity rates. The case was reopened and further hearing held. At the hearing it developed that, based upon the March, 1920, pay roll, used by the labor board, the express company computed the increase at $42,296,340 per annum. We found that an additional increase of 13.5 per cent, or a total increase of 26 per cent in those rates, had been justified.

Rates on milk and cream of general application and made on a distance basis were permitted to be increased 20 per cent, the same percentage of increases in rates on those commodities having been made by the railroads. *Express Rates, 1920*, 58 I. C. C., 707. These rates were made effective October 13, 1920.

The express company, by petition filed April 15, 1920, seeks authority to make changes in certain items of its classification, including certain additions to and cancellations of items therein. We instituted an investigation and hearings have been had at representative places.

There is now pending before us an application under section 5 of the interstate commerce act requesting authorization for a continuance of the consolidation of the express companies into the American Railway Express Co. There has also been submitted to us for approval a proposed new contract to be entered into between the express company and the carriers over whose lines it operates.

EXERCISE OF EMERGENCY POWERS.

Under the transportation act, 1920, we were given enlarged powers with respect to car service. As now defined, the term car service includes the use, control, supply, movement, distribution, exchange, interchange and return of locomotives, cars, and other vehicles used in the transportation of property, including special types of equipment, and the supply of trains, by any carrier by railroad subject to the interstate commerce act. A short review of the critical period through which we have passed may well precede a statement of the steps taken under the emergency powers thus conferred.

Whenever we are of opinion that shortage of equipment, congestion of traffic, or other emergency requiring immediate action exists in any section of the country we may, with or without complaint, answer, hearing, or report suspend the rules, regulations, and practices of carriers with respect to car service, and (1) give just and reasonable directions with respect to car service without regard to ownership as between the carriers; (2) require the joint or common use of terminals, including main-line tracks; (3) give directions for preference or priority in transportation, embargoes, or movement of traffic under permits, at such time and for such periods as we may

determine; and (4) give such just and reasonable directions with respect to the handling, routing, and movement of traffic of carriers by railroad as in our opinion will best promote the service in the interest of the public and the commerce of the people, and upon such terms as between the carriers as they may agree upon or, in the event of their disagreement, as we may, after subsequent hearing, find to be just and reasonable.

For the purpose of handling informally the numerous car service matters which are brought to us, and of enforcing the various orders made by us under such powers, we organized a bureau of service soon after the termination of Federal control. That bureau is in constant and daily touch with carriers by railroad both through their car service division and directly.

Following the armistice, until August 1, 1919, there was for the most part a surplus of cars. Since August 1, 1919, the revival of industry, requiring increasingly larger amounts of raw materials and supplies, and producing greater quantities of finished products, has resulted in a demand for cars which has continually exceeded the available supply. Such was the condition on February 29, 1920, at the termination of Federal control, and to a lesser extent is the condition now. That condition was accentuated to some extent by bad weather which lasted until after April 1, 1920, but was enormously magnified after that date by strikes which began early in April and lasted well into the summer. These strikes greatly augmented congestion at many important gateways and terminals and necessitated the placement and maintenance of numerous embargoes. Hundreds of thousands of cars were held stationary. In effect it was as if about 750,000 cars for the time being had ceased to exist as facilities of commerce. The April congestion caused by the strikes had the effect of reducing by fully one-third the equipment available as compared with that available on the resumption of private control.

The latest general statistics show that railroads under our jurisdiction own approximately 2,368,876 freight cars used in revenue service, of which 1,062,836 are box cars, 1,009,871 open-top cars with sides, 107,824 flat cars, 83,000 stock cars, and 60,204 refrigerator cars, and 45,141 miscellaneous cars. In addition there are many privately owned tank cars, coal cars, stock cars, and refrigerator cars which bring the total freight cars on railroad lines to approximately 2,500,000. During Federal control the director general purchased approximately 100,000 freight cars and 4,226 locomotives, which have since been taken by the railroad corporations. Against these additions to equipment must be placed the offset of equipment retired during Federal control. With the return of the railroads to their owners on the termination of Federal control, the problem was forced upon the carriers and upon us as to how the demands of com-

merce for the movement of an extraordinary amount of tonnage could be met with an impaired transportation machine. This difficult situation was soon complicated by widespread strikes and cessation and diversion of railroad labor. The effects of a shortage of equipment can be minimized by increasing transportation efficiency and by car conservation. This end has been sought unceasingly by us, though it is clear that the problem can not be solved without substantial additions to equipment. Elsewhere in this report we discuss our plans under section 210 of the transportation act, 1920, which created a revolving fund of $300,000,000 to assist carriers in serving the public during the transition period following Federal control.

In anticipation of the return of the railroad properties to their owners, the railroads, acting through and by the American Railroad Association, promulgated a code of car-service rules, effective March 1, 1920. Cars have been distributed primarily without regard to ownership. The movement of traffic has been the first consideration. So far as not incompatible with the movement of traffic, efforts were made even during the acute period of congestion to move the scattered cars toward their home lines.

The railroads, realizing the necessity for fair and equitable distribution of cars, voluntarily established a car service division of the American Railroad Association, with offices at Washington, known until September 3, 1920, as the "Car Service Commission" and thereafter as the "Car Service Division." This agency began functioning upon the termination of Federal control. By voluntary action of the carriers by railroad that division has been given power to issue directions to them in the matter of car distribution, which they have undertaken to follow. It also acts as the statutory agent for the members of the association in receiving service of orders entered by us; and, by its officers and committees, speaks to us the collective voice of its constituents as to all matters of car service. On November 1, 1920, the situation had so improved that the car service division of the American Railroad Association pointed out to its members the necessity for bringing about an orderly return of home cars and a general application of equalization rules, as warranted and necessary to avoid possible future confusion, and in anticipation of a prospective surplus of car supply. We have cooperated with the railroads in transportation matters through that agency.

On May 15, 1920, the principal rail carriers filed with us an informal petition in which they stated their urgent need for additional freight cars and locomotives; that there was no immediate opportunity to procure the same; and that relief in the movement of the commodities most essential at that time, namely, foodstuffs, perish-

able products, live stock, coal, and newsprint paper, could only be afforded by the current daily use and movement in the most effective manner of the existing equipment. It would require many months to provide the needed additions to equipment and a much larger outlay than the carriers were then able to provide. An enormous volume of traffic of all kinds awaited transportation. A considerable portion of the agricultural products of the year 1919 remained to be moved, and the new crop of the present year would be offered for shipment soon. There was country-wide need for the movement of coal for current purposes and for the coming winter, especially to the upper Lake ports before the close of navigation. There was, and had been for some time past, a general shortage of competent railroad labor, lately made more pronounced by the suspension of work by large bodies of certain classes, which added to the difficulty of maintaining maximum operation of the railroads and contributed to the growing public distress on account of the delay in the movement of necessary products and raw materials for the commerce of the country.

The petition set forth that these conditions promised to continue for some period of time, and in the public interest the carriers called upon us to exercise the emergency powers granted to us by the transportation act, 1920, with respect to (*a*) the giving of priority and preference in movement of necessary food, fuel, and other vital commodities; (*b*) the relocation of empty equipment; (*c*) the necessary postponement and delay of loading or movement of other less important commodities; and (*d*) the reduction of existing passenger service as far as might be necessary; in order (*e*) that to the extent necessary to accomplish these purposes the carriers might be relieved from the operation of Federal and state laws and orders recognized under ordinary transportation conditions.

Acting upon that petition and upon information as to the situation already in our possession, we determined that an emergency existed of so exigent a nature that these powers ought to be exercised immediately and without the holding of any hearing at the time.

Service orders Nos. 1, 2, and 3 were entered May 20, 1920, and from time to time other service orders have been entered. As occasion showed the necessity, these orders have been continued, amended, modified, suspended, or superseded. The foundation of each of these orders has been the finding that, because of shortage of equipment and congestion of traffic, an emergency has existed which required immediate action and order. These service orders being of an emergency character have generally been made to run until our further order. In making the orders we have felt it incumbent upon us to act promptly. We have kept informed currently as to service conditions so that with improved conditions we could with equal promptness modify or suspend the action taken by us.

Service order No. 1 required that until our further order or direction all common carriers by railroad should forward traffic to destination by the routes most available to expedite its movement and relieve congestion, without regard to the routing thereof made by shippers or by carriers from which the traffic was received, or to the ownership of the cars; and car service rules, regulations, and practices were suspended and superseded in so far as conflicting with such directions. Due provision was made for an accounting as between the carriers to determine their respective divisions of the rates charged for transportation.

By service order No. 2 we required various western carriers to deliver within a period of 20 consecutive days, beginning May 25, 1920, about 30,000 open-top cars to their eastern connections. Service order No. 3 was similar in character and required eastern carriers to deliver approximately 20,000 serviceable box cars, preferably cars owned by western carriers, to their western connections within a period of 30 consecutive days, beginning May 25, 1920. The initial relocation of cars so accomplished has been continued, in varying degrees, by the directions of the car service division of the American Railroad Association; and compliance with the directions of that organization has been so general that it has not been necessary to issue further formal orders of this character.

Thus, the initial relocation of box cars to railroads in the central western, northwestern, and southwestern districts accomplished by our formal order covered 19,800 cars; following such relocation, and in continuance of the policy, 109,830 box cars were similarly relocated on the directions of the car service division, without formal orders from us.

In order to obtain full and accurate information as to transportation conditions throughout the country, our representatives were directed for a time to furnish daily reports concerning such conditions in the territory in which they were located. It was soon found that the services of local interests at important gateways and terminals would be helpful. Accordingly, we organized terminal committees at 30 railroad and traffic centers. We assigned to each committee a representative who acted as chairman and made reports to us. The other members of the typical terminal committee comprised a representative designated by the railroads; a shipper, preferably one who had served as a member of a somewhat similar committee during Federal control; and a representative of the state railroad or public utilities commission. Each of these committees was expected to do what could be done informally, by conference, advice, and negotiation, to keep its gateway open, and to advise us as to needs. Each committee acted in close contact with a committee consisting of operating officers of the railroads entering the terminal or gate-

way, and these committees played an important part in relieving the unprecedented congestion. As the congestion was relieved the importance of these committees decreased. Certain of them have been discontinued, others now maintain a skeleton organization, while a few in the more important terminals are still functioning actively. We now have in contemplation the establishment and maintenance of service agencies throughout the country at points where experience has shown that congestion and transportation disabilities are most likely to occur. Our plans call for the maintenance of a sufficient number of local terminal committees to insure the fullest possible cooperation between the railroad carriers, the shipping public and commercial organizations, local and state authorities, and ourselves.

The terminal committees and carriers have made considerable use of the rerouting privileges under service order No. 1; and this has brought about a marked reduction in terminal congestion. On February 27 the accumulations of freight were 103,237 cars. For April the daily average accumulations of freight were 208,698 cars, and immediately following the outbreak of the strike mounted to more than 287,000 cars. The daily average in July had been reduced to 101,612 cars, and by October 22 the accumulations were reduced to 39,807 cars, which approximates normal conditions.

The petition of the carriers by railroad suggested the setting up of a list of essential commodities entitled to priority in the use of transportation. Following the filing of that petition, requests and demands of most insistent character for priority orders, so called, were laid before us from every quarter and as to substantially every important commodity. It appeared to us that the attempt to classify commodities generally, and to assign relative priorities to them for either the supply or movement of cars, would create an unnecessary confusion and disturbance of industry, and would add to the existing congestion and decrease the aggregate amount of tonnage which could be moved. But we were impressed with the imperative need of special consideration for the movement of coal.

The production of bituminous coal during 1918 exceeded consumption by approximately 30,000,000 tons. During 1919 the situation was otherwise; consumption exceeded production, and there was a net draft on stocks of approximately 40,000,000 tons for that year. The year 1920 began with no substantial coal stocks, and the demand for bituminous coal could be met only by large production. Moreover, coal production this year has been considerably retarded by strikes and by the wide dispersion of coal-carrying equipment. Not only was there an urgent call for unusually large amounts of coal on the part of the railroads, public utilities, and industries generally, but it soon became apparent that unless we took special

measures to insure the movement of coal to certain sections the coal which must go into those sections would be forced through unusual routes, with loss of efficiency of equipment and further congestion of already clogged gateways. We felt it to be our duty to avoid such effects by adopting appropriate means within our emergency powers to insure a prompt, steady, and economical use of transportation facilities in the movement of coal.

On April 15, 1920, prior to the receipt of the petition of the railroad executives, we found it necessary to enter an order authorizing the railroads to restore the assigned car rules which had been approved by us in *R. R. Com. of Ohio et al.* v. *H. V. Ry. Co.*, 12 I. C. C., 398; *Traer* v. *Chicago & Alton Railroad Co. et al.*, 13 I. C. C., 451, and by the Supreme Court in *Interstate Comm. Comm.* v. *Illinois Central R. R.*, 215 U. S., 452. The assigned car is designed to enable the railroads to secure a regular and adequate supply of coal. In response to a resolution of the Senate of the United States, adopted May 29, 1920, we have made a report to the Senate as to our authority and justification for that order, in *Assignment of Freight Cars*, 57 I. C. C., 760. Our order has since been sustained by the Circuit Court of Appeals for the Fourth Circuit in *Lambert Run Coal Co.* v. *B. & O.*, not yet reported, and by the District Court for the Northern District of Alabama, Southern Division, in *Corona Coal Co.* v. *Southern R. R.*, 266 Fed., 726.

By our service order No. 18, effective October 1, 1920, the order of April 15, 1920, was superseded by an authorization and direction to common carriers by railroad to establish and observe the following rule:

> Private cars and cars placed for railroad fuel loading in accordance with the decisions of the Interstate Commerce Commission in *R. R. Com. of Ohio, et al.* v. *H. V. Ry. Co.*, 12 I. C. C., 398 and *Traer* v. *Chicago & Alton Railroad Co. et al.*, 13 I. C. C., 451, will be designated as "assigned" cars. All other cars will be designated as "unassigned" cars: *Provided*, That common carriers by railroad may not assign cars for their own fuel and fail to count such cars against the mine's distributive share unless the entire output of such mine is taken by such a carrier for a period of not less than six consecutive months.

It was provided that any contract or arrangement for the purchase of coal made by a carrier on or before November 1, 1920, which terminates at the expiration of the coal year ending March 31, 1921, should be regarded as a compliance with such rule.

Service order No. 7 was issued June 19, 1920, and has been amended by service order No. 9, and succeeded by service order No. 20. The original order was designed to be kept in effect for 30 days, but was continued from time to time by supplemental order.

The effect of these orders was to require coal-loading carriers to use coal cars primarily for the transportation of that commodity and to

require roads not loading coal to deliver such cars to their coal-loading connections, to the extent of the ability of such connecting lines to receive and absorb that class of equipment. The railroads were also required to place an embargo upon consignees who detained coal cars unreasonably. The cars designated as coal cars were permitted to move under load in the direction of the mines, on the return trip, upon routes not materially out of line.

Originally these restrictions applied only to carriers east of the Mississippi River. Effective October 15, 1920, the restrictions were extended to cover the territory east of the states of Montana, Wyoming, Colorado, and New Mexico. By amendment effective at midnight, November 16, the territory west of the Mississippi River was taken out from under the restrictions and all flat-bottom gondola cars were released.

The demand for the class of equipment described in the orders as "coal cars" was very great, due to the large road building and construction programs under way, which called for the movement of great quantities of both raw materials and finished products, and of construction materials. Every effort has been made to mitigate the inevitable hardship. From time to time, as the emergency seemed to warrant, by amendments to the definition of "coal cars," various types of flat-bottom gondola cars have been released; and permits have been issued authorizing the use of specified numbers of such cars for commodities other than coal when the public interest seemed to require such action. It has been constantly recognized that priority for one class of traffic necessarily means deferring other traffic, and that real hardship must follow the preference given coal. But fuel is a first essential to the life of the individual as well as of industry, and without an adequate supply of fuel there would be no transportation of either raw materials or finished products and no operation of industries. Under the stress which is now relaxing it was impossible to transport all that was offered, and the designation of that which should be moved first was necessarily based upon considerations of sound public policy.

From the outset it was apparent that the situation as to bituminous coal for sections ordinarily served by means of the Great Lakes required special consideration. The quantity of bituminous coal needed by these sections to be moved via the lakes is approximately 25,000,000 tons annually. This tonnage must be moved by rail to the lower lake ports and thence to upper lake docks by vessel during the comparatively limited season of open navigation. To effect movement of the supply for this territory in large part by all-rail routes would produce deplorable results. It would involve a longer rail haul, a greater detention of each car, and add to the congestion in gateways which are usually overcrowded and which were only beginning to

recover from the partial paralysis brought on by the April strike. The detriment would have been to traffic generally and not merely to the movement of coal to the northwest.

To facilitate movement to the lower lake ports for transshipment we suggested and urged the formation of a pool or pools of coal at the ports, such as had been created and maintained during the war, for the purpose of promptly receiving and transshipping lake cargo and bunkerage coal. Considerable opposition was encountered at first, but this was overcome and the pool was formed.

By service order No. 5, entered June 9, 1920, we prescribed that railroad carriers serving Lake Erie ports should, in the transportation of bituminous coal consigned to such ports, give preference to carload shipments consigned to the manager of the Ore & Coal Exchange for transshipment by water as a part of a pool of lake cargo or bunkerage coal.

We also provided for an embargo to be laid upon the movement of bituminous coal to such ports for transshipment by water except upon a permit or direction which should be issued upon a showing of the ability of the consignee to unload without delay to the rail equipment and without impeding the preference and priority in the transportation of coal for the pool.

Thereafter, when it appeared that service order No. 5 was not having the effect of sufficiently increasing the movement of coal to the Lake Erie ports, conferences were had between the operators, the carriers, and prospective purchasers of coal destined to the northwest, and a completed program was laid before us whereby, from a specific district, coal should move in a given volume, aggregating for all the districts affected 4,000 cars a day, to the Lake Erie ports for transshipment by water. Service order No. 10, entered July 20, 1920, gave effect to the program. The primary preference in transportation from the mines in the district affected was given to the lake movement; after any shipper had on any given day shipped his proportion of cars for the lakes, he might ship the remainder of the cars to which he was entitled to any destination. Coal so preferentially shipped was not subject to reconsignment, except to other lake ports, on permit.

With various modifications made from time to time, increasing or diminishing the territory and carriers affected thereby, this service order remained in effect until October 27, 1920, and was then indefinitely suspended by us, as it appeared that the emergency had been sufficiently relieved.

A somewhat similar situation existed as to coal needed by New England, which normally requires about 25,000,000 tons of bituminous coal annually. Not more than 10,000,000 tons of such coal can be moved efficiently by all-rail routes each year, and the re-

mainder customarily must be moved by rail to tidewater, and thence by coastwise vessel or barge to New England. The gateways through which coal must pass in the movement all-rail to New England and the New England rail lines and terminals are continually overtaxed; and when they are clogged by an unusual volume of traffic the resulting placement of embargoes and detention of cars made empty seriously impede the general movement of traffic. The movement of coal to New England by the tidewater route was considerably below normal during the first five months of the present calendar year. Urgent representations as to the emergency were presented by the governors of the New England states, and were substantiated by our own investigations. To meet the situation and induce the movement of coal by the usual route, on June 19, 1920, we entered service order No. 6, whereby in effect preference was given to coal transported by rail to tidewater piers at and north of Charleston, S. C., when consigned to James J. Storrow if for New England or to anyone as a part of a pool for shipment to any other United States coastwise destination, over coal consigned to such ports for water transshipment in any other manner. Mr. Storrow had been designated to us by the governors of the New England states as the agent in whom they desired to have these functions vested.

This order not being availed of, on July 26, 1920, service order No. 11 was entered and superseded the order last-above detailed. Service order No. 11 was generally similar to service order No. 10, which had been issued with respect to the movement of coal to the Great Lakes. It proved efficacious, and, the emergency which caused the issuance of the order having been measurably relieved, with the consent of the New England interests, was suspended, effective September 17, 1920.

The effect of the shortage of equipment and congestion of traffic was felt severely by public utilities in the territory east of the Mississippi River. The demand was such that some mine operators having large contracts with such utilities at comparatively low prices delivered the coal they produced to other buyers at the higher market prices, and other mine operators found themselves in fact unable to complete their contracts. A critical condition resulted. In Michigan a number of public utilities were closed down for several days, and in many cities utilities and public institutions were down to the point where but a few hours' supply of fuel was on hand. It was imperative in the public interest that public utilities and public institutions be given such preference in car supply as was necessary to enable them to secure coal for current needs, so that they might continue to serve the public. By service orders No. 9, entered July 13, 1920, and No. 16, which superseded it, effective September 19, 1920, we authorized the railroads to give a suffi-

cient supply of cars for the current use of public utilities and public institutions under certain conditions intended to safeguard against abuse. As a result these utilities and institutions have been kept going and generally have been able to accumulate some stocks of coal. This result having been reached, and in order to avoid the inequalities in distribution of cars at the mines which necessarily result from a priority order, service order No. 21 was entered, effective October 15, 1920, suspending the existing priorities. In that order we indicated our policy that the real emergency needs of public utilities and public institutions should be cared for in individual critical cases.

A factor detrimentally affecting the coal-car supply has been the great increase during recent years in the number of coal mines, while there has been no similar increase in the equipment available for mine distribution. There are now approximately 3,000 more coal mines in operation than prior to the war. The total number of coal mines is estimated to be 10,634. Of these, 5,888, or 55 per cent, produce less than 10,000 tons of soft coal apiece per year, and an aggregate yield of 10,449,000 tons, which is less than 2 per cent of the entire production. Many of the so-called country bank or wagon mines are not equipped with tipples or arrangements for the dumping of coal into cars. Many are not equipped with private sidings. More than 98 per cent of the needed bituminous coal must be produced by established tipple mines, which number about 4,746. To the extent that the limited and fixed number of cars are distributed among 5,888 mines, which produce less than 2 per cent of the total, the general utility and efficiency of car service is decreased.

In an attempt to overcome the adverse effect of such dispersion of equipment we issued our service order No. 14 of August 25, 1920, prescribing that upon any day when a common carrier by railroad was unable to supply any mine upon its line with the required open-top cars it should not furnish or supply open-top cars to wagon mines not equipped to load such cars upon private tracks from a tipple, or other arrangement which permitted the coal to be dumped from an elevation into the car, until all other mines were fully supplied with open-top cars. We also required the carriers to count open-top cars furnished and supplied to wagon mines so equipped against such wagon mines under the same uniform mine ratings and car distribution rules as were applied to established tipple mines.

By our service order No. 17, entered September 16, 1920, effective September 19, 1920, we required common carriers to establish and observe a rule that upon any day when a common carrier by railroad is unable to supply any mine upon its line with the required open-top cars, open-top cars shall not be furnished or supplied by it to any other mine which customarily does not load or is unable to

load such open-top cars with coal within 24 hours from and after the time of placement for loading by the carrier, until all other mines have been fully supplied with open-top cars.

Although the railroads serving anthracite mines have furnished them continuously with nearly 100 per cent of the cars ordered, and although the anthracite production up to October 16 exceeds that of the same period last year, the production this year has been retarded by the recent coal miners' strike in Pennsylvania and by the April strike in the yards. The recent anthracite strike retarded production to the extent of about 2,000,000 tons. There has been shortage of anthracite coal in some of the New England states, due largely to embargoes maintained by certain New England railroads during a substantial part of the time between April 1 and August 24. Those embargoes have now been modified, and it is hoped that the rail movement of anthracite coal to New England will proceed unhampered. During the period of rail embargoes anthracite coal could have moved to New England by rail and water. The existing rail-and-water rates to New England are higher than the all-rail rates, a fact which has perhaps acted as a deterrent in the movement of coal rail-and-water to New England. We have no jurisdiction over the water rates. Prior to the war the rail-and-water rates to New England were, generally speaking, substantially lower than the all-rail rates. Since the war they have been higher.

On October 1, 1920, acting upon a certificate filed by the President, through the Secretary of the Navy, that it was essential to the national defense and security, we issued service order No. 19 and directed various railroads to afford preference and priority in the supply of cars and transportation to certain coal commandeered by the Navy at mines in Pennsylvania and Maryland.

The demand for coal for exportation to European countries has been unusually great, and the bidding of foreign buyers against each other and against American consumers has doubtless had a marked effect in increasing the demand for coal in this country and to an even greater extent the price of free coal.

Repeated and insistent demands have been made upon us that we prohibit the exportation of coal, especially to European countries. Nothing has been found in the law which authorizes such action upon our part.

The foregoing is a review of the formal steps taken for the relief of the emergency. It was upon us and had to be met. We met it by such means as were available or could be improvised from day to day.

But to the extent that emergency in the fuel situation can be traced to the failure of dealers or consumers in regions remote from their sources of supply to purchase or make firm contracts for that supply in season, it is to be hoped that timely and effective action will be

taken to prevent recurrence. They can hardly expect that our regulatory powers, which have to do with transportation rather than with distribution of commodities, should be relied upon to relieve them from the consequences of their own inertia, to the inconvenience or detriment of other regions and derangement of the orderly movement of general traffic.

In addition to the activities above outlined, continuous efforts have been made to bring about improvement in operating efficiency. In this respect there has been close cooperation between the bureau of service and the car service division of the American Railroad Association, with the carriers, and with numerous organizations of shippers throughout the country. Statistics bearing on efficiency of operation have been analyzed day by day and the attention of the operating executives of the railroad carriers has been called with good results to many situations warranting attention. A special effort has been made to conserve and increase the efficiency of cars by increasing the average carload, by reducing the amount of equipment held for repairs, and by increasing the average daily mileage of each car. Much progress has been made in these respects. The following table, for all Class I roads, shows the increase in average miles per car per day:

AVERAGE MILES PER CAR PER DAY, CLASS I ROADS.

	1919	1920
April	21.0	19.4
May	22.8	24.2
June	23.0	25.0
July	24.1	26.1
August	24.2	27.4

Comparing August, 1920, with July, 1920, the increased mileage had the effect of releasing 118,645 cars. Comparing August, 1920, with June, 1920, there were released 219,036; with May, 1920, 292,048; with April, 1920, 730,118.

Comparing August, 1920, with August, 1919, the increased mileage had the effect of increasing the car supply 287,694 cars; with July, 1919, 296,891; with June, 1919, 395,855; with May, 1919, 413,848; with April, 1919, 575,788.

The comparisons with various months in 1920 are based on 2,500,654 cars, the average number of cars on line daily during the months of April, May, June, July, and August, 1920.

The comparisons with operations in 1919 are based upon 2,465,091 cars, the average number of cars on line daily during the months of April, May, June, July, and August, 1919.

The consequent improvement in the general operating situation is clearly evident, and the figures for September so far available show

further progress in car mileage with resultant improvement in the general car supply.

The following statement, showing car movement and operation on 55 representative roads, will indicate the increased number of cars handled daily and the reduction in the number left over for movement at midnight each day, thus releasing a substantial number of cars and reducing to that extent the car shortage:

CAR MOVEMENT AND OPERATION.

1920	Average number of cars moved daily.	Increase in number of cars moved daily compared with June, 1920.	Average number of cars left over daily at midnight to be moved.	Cars made available by more prompt movement compared with June, 1920.
June	794,451		421,091	
July	814,187	19,736	410,231	10,860
August	844,176	49,725	405,141	15,950
September	862,898	68,447	362,038	59,053
Week ended Oct. 11	872,380	77,929	354,238	66,853
Week ended Oct. 25	904,252	109,801	349,428	71,663

The improvement in the general situation has been materially aided by the steady decrease in the number of cars under load with railroad material as follows:

RAILROAD MATERIAL ON CARS.

1920	Cars held.	Decrease compared with June, 1920.	
		Number of cars.	Per cent of decrease.
June 1	49,826		
July 1	42,525	7,301	14.7
Aug. 1	40,727	9,099	18.3
Sept. 1	39,245	10,581	21.2
Oct. 1	37,903	11,923	23.9
Oct. 22	37,017	12,809	25.7

The following statements show the reduction in the total number of cars held on account of accumulations and the decrease in number of cars held because of embargoes:

TOTAL CARS HELD ACCOUNT ACCUMULATIONS.

1920	Daily average accumulations.	Decrease compared with April, 1920.	
		Number of cars.	Per cent decrease.
April	208,698		
May	178,403	30,295	14.5
June	116,398	92,300	44.2
July	101,612	107,086	51.3
August	77,386	131,312	62.9
September	52,481	156,217	74.8
Oct. 1	45,758	162,940	78.0
Oct. 22	39,807	168,891	80.9

EMBARGO SITUATION.

1920	Average number cars held daily account embargoes.	Decrease compared with April, 1920.	
		Number of cars.	Per cent decrease.
April	25,692		
May	20,925	4,767	18.5
June	6,719	18,973	73.8
July	7,317	18,375	71.5
August	3,999	21,693	84.4
September	1,668	24,024	93.5
Oct. 22	1,071	24,621	95.8

During the early part of the summer the railway executives established as their ideal for achievement in number of tons per loaded car an average of 30 tons. That this ideal is being rapidly realized will appear from the following:

AVERAGE TONS PER LOADED CAR.

Month.	1919	1920
May	27.7	28.3
June	27.5	29.0
July	27.8	29.6
August	28.0	29.8

The increased tonnage per car during August, 1920, as compared with July, 1920, had the effect of releasing approximately 11,346 cars; with June, 1920, 47,179 cars; with May, 1920, 89,695 cars.

Comparing August, 1920, with August, 1919, the increased tonnage per car had the effect of increasing the car supply approximately 104,942 cars; with July, 1919, 112,904 cars; with June, 1919, 130,003 cars; with May, 1919, 116,687 cars.

The above computations are based on the average number of loaded cars on line during the month with which comparison is made.

The increased and steadily increasing operating efficiency, as previously indicated, has made possible an increase in the number of loaded freight cars handled as follows:

Total revenue freight loaded:	Cars.
Jan. 1 to Oct. 16, 1920	34,083,610
Jan. 1 to Oct. 16, 1919	31,992,189
Cars increase compared with 1919	2,091,421
Four weeks ended—	
Oct. 23, 1818	3,778,862
Oct. 23, 1919	3,888,896
Sept. 25, 1920	3,798,416
Oct. 23, 1920	4,002,357
Increase compared with—	
September, 1920	203,941
October, 1919	113,461
October, 1918	223,495

BUREAU OF FINANCE.

The bureau of finance was created for the purpose of administering paragraphs (18) to (22) of section 1; paragraphs (2) and (6) of section 5; paragraphs (5) to (16), inclusive, and paragraph (18) of section 15a and section 20a of the interstate commerce act; and also sections 204, 209, and 210 of the transportation act, 1920, as amended.

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY.

Paragraphs (18) to (22) of section 1 of the interstate commerce act provide for the issuance by us of certificates of public convenience and necessity for the extension of an existing line of railroad, the construction of a new line of railroad, the acquisition or operation of any line of railroad or extension thereof, and the engaging in transportation under the interstate commerce act over or by means of such additional or extended line of railroad; and also for the abandonment of all or any portion of a line of railroad or the operation thereof.

On May 25, 1920, a circular was issued prescribing a temporary form of application and giving information in respect of the application of the law. On June 24, 1920, an order was issued prescribing a revised form of application and also a form of the questionnaire required of applicants.

Sixteen applications for extensions of existing lines or construction of new lines of railroad have been filed; of these, two have been withdrawn, hearings have been had in respect of six, and eight remain to be heard.

Nine applications for abandonment of existing lines have been filed; of these, one has been withdrawn, hearings have been held in respect of three, and five remain to be heard.

ACQUISITION OF CONTROL BY ONE CARRIER OF ANOTHER CARRIER—CONSOLIDATION OF CARRIERS.

Paragraph (2) of section 5 of the interstate commerce act provides for the authorization by us of the acquisition of control by one carrier of another carrier, both engaged in transportation of passengers or property subject to the act, under such conditions as may be found just and reasonable and which do not involve the consolidation of such carriers into a single system for ownership and operation.

Two applications have been received, both of which have been granted in whole or in part. A form of questionnaire required of applicants is in course of preparation.

Paragraph (6) of section 5 of the interstate commerce act provides for the consolidation, in harmony with and in furtherance of a com-

plete plan of consolidation to be approved by us, of two or more carriers by railroad into one corporation for ownership, management, and operation. Such carriers and any corporation organized to effect such consolidation are relieved from the operation of the anti-trust laws and of all other restraints or prohibitions by law, state or Federal, in so far as may be necessary to enable them to do anything authorized or required by any order made by us under and pursuant to the provisions of section (5) of the interstate commerce act. Such a general plan of consolidation is in preparation.

There have not been as yet any authorizations under paragraph (6) of section 5 of the interstate commerce act.

RECOVERY OF EXCESS NET RAILWAY OPERATING INCOME—GENERAL RAILROAD CONTINGENT FUND.

Paragraphs (5) to (16), inclusive, of section 15a of the interstate commerce act provide, inter alia, for the recovery by us of one-half of the annual net railway operating income received by any carrier for any year in excess of 6 per cent of the value of the railway property held for and used by it in the service of transportation, and the establishment and maintenance by us with such recovered half of a general railroad contingent revolving fund, to be used in furtherance of the public interest in railway transportation either by making loans to carriers to meet expenditures for capital account or to refund maturing securities originally issued for capital account or by purchasing transportation equipment and facilities and leasing the same to carriers.

By paragraph (6) these provisions for recovery, in the case of any carrier which has accepted the six months' guaranty under section 209 of the transportation act, 1920, are not applicable to the income for any period prior to September 1, 1920. There have been no activities for recovery except by way of preparation therefor.

RETENTION OF EXCESS EARNINGS FROM NEWLY CONSTRUCTED LINES OF RAILROAD.

Paragraph (18) of section 15a of the interstate commerce act provides that we may, for a period not to exceed 10 years, permit the retention of all or any part of the excess earnings derived from the construction and operation of a new line of railroad for such disposition as the carrier may lawfully make of such earnings.

On June 24, 1920, an order was issued prescribing form of application and form of questionnaire. Three applications have been filed and are pending. These applications were made in connection with applications for certificates of public convenience and necessity under paragraph (18) of section 1 of the interstate commerce act.

ISSUANCE OF SECURITIES—ASSUMPTION OF OBLIGATIONS.

Section 20a of the interstate commerce act provides for the authorization by us of the issue by carriers by railroad, subject to the act, of securities or the assumption by such carriers of any obligations or liabilities in respect of the securities of others.

On June 26, revised September 22, 1920, an order was issued prescribing the form of application and stating the character of supporting papers required to be filed therewith, and also prescribing the form of notification when short-term notes have been issued. On September 2, 1920, an order was issued prescribing "Special Report Series Circular No. 29" for use by carriers in reporting securities issued or assumed at the close of June 27, 1920.

Sixty-one applications have been received, 28 have been granted, 1 has been withdrawn, and 32 are pending.

Forty-three certificates of notification have been filed under paragraph (9) of this section, representing the issuance of notes maturing in two years or less of an aggregate amount of $28,542,764.33.

REIMBURSEMENT OF DEFICITS DURING FEDERAL CONTROL.

Section 204 of the transportation act, 1920, as amended, provides for reimbursements of deficits in railway operating income of carriers not under Federal control but which connected with or competed with carriers which were under control of the Director General of Railroads.

Carriers subject to the provisions of this section were required to submit statements of account in prescribed form, affording evidence, which, taken together with statistical reports already on file with us, enabled the approximate determination of amounts due. Statements have been filed by 229 carriers, upon which payments aggregating $1,171,928.12 have been certified to 24 carriers under an arrangement for partial payments pending a final audit of the carriers' accounts.

Such certifications have been discontinued owing to a ruling of the Comptroller of the Treasury to the effect that partial payments under this section may no longer be made.

GUARANTY OF INCOME AFTER TERMINATION OF FEDERAL CONTROL.

Section 209 of the transportation act, 1920, provided in respect of practically all carriers for the guaranty for the six months succeeding the Federal control period of a railway operating income measured by one-half the average income for the three-year period ended June 30, 1917. This guaranty, however, was extended only to such carriers as accepted the provisions of the section on or before March 15, 1920, and by such acceptance bound themselves to pay over to the Government any excess in railway operating income above the guaranteed

amount. Acceptances were filed within the prescribed time by 666 carriers.

The law provided also that upon application to us by any carrier asking that during the guaranty period there be advanced to it from time to time such sums, not in excess of the estimated amount necessary to make good the guaranty, as might be necessary to enable such carrier to meet its fixed charges and operating expenses, we might certify to the Secretary of the Treasury the amounts of, and times at which, such advances should be made. The law authorized and directed the Secretary of the Treasury to make the advances in the amounts and at the times specified in our certificate, upon the execution by the carriers of a contract, secured in such manner as the Secretary of the Treasury might determine, that upon final determination of the amount of the guaranty such carrier would repay to the United States any amounts which it had received from such advances in excess of the guaranty.

During the guaranty period 243 applications for advances were filed by 148 carriers, upon which advances aggregating approximately $254,000,000 were certified for payment. A list of these certifications will be found in Appendix G. According to the sworn monthly reports of Class I carriers, the amount payable by the United States to make good the guaranty is approximately $600,000,000, or $346,000,000 in excess of the amount already certified. It must be understood, however, that no exact estimate of the amount payable can be given at this time for the reason that many adjustments will necessarily be made in the reports as rendered. Under the transportation act, 1920, we are required to fix the amount of maintenance that may be allowed for each carrier in computing income for the guaranty period and it may be found that in many cases more has been charged for maintenance than can be allowed under the law. Other adjustments will be necessary.

The Treasury Department will honor our certificates issued for advances under subdivision (h) of section 209 of the transportation act, 1920, as amended, to meet fixed charges and operating expenses, and based upon estimated amounts necessary to make good the guaranty where carriers applied for such advances during the guaranty period even though the certificates are issued after the close of the period, but the Comptroller of the Treasury has ruled that payments may not be made upon our certificates issued under subdivision (g) of the section for amounts definitely ascertained to be due carriers to make good the guaranty unless such certificates are final and that only one final certificate may be issued to any carrier under this subdivision.

Many of the carriers to which amounts are due under this section made no application for an advance during the guaranty period;

claims affecting railway operating income upon which the guaranty is based may be filed at any time within two years after the close of the period; the adjustments, restatement, and eliminations of accounts which we are required by law to effect in determining the amounts of the guaranty may require many months, and in the meantime, although we are able to certify that specified amounts are without question necessary to make good the guaranty in the case of each carrier, the carriers which did not apply for advances during the guaranty period can not now, under the ruling of the Comptroller of the Treasury, obtain these amounts undoubtedly due them without foreclosing them and us against the assertion and certification of other amounts which may hereafter be found to be unquestionably due under the terms of the statute.

The immediate payment to some of these carriers of the amounts or parts of the amounts which we can now determine to be certainly due them under the guaranty provisions of the transportation act, 1920, is vital to their meeting operating expenses, fixed charges, and other obligations which they must meet in order properly to serve the public as common carriers, and it is desirable that in case of deferred overcharge and loss and damage claims and other items which affect operating income and the final effect of which can not be definitely determined at this time, we be authorized to make a reasonable estimate of the net effect of such items and, when agreed to by the carrier, to use it in certifying the amount as final settlement of the guaranty.

It is therefore recommended that the Congress clearly provide:

(1) So as to permit and require the certification and payment under section 204 of the transportation act, 1920, of partial amounts ascertained in the case of each carrier to be due such carrier under that section;

(2) So as to permit and require the certification and payment under subdivision (g) of section 209 of the transportation act, 1920, of partial amounts ascertained in the case of each carrier as necessary to make good the guaranty to it; and

(3) So as to permit us in the case of deferred debits and credits to railway operating income which can not presently be definitely determined to make a reasonable estimate of the net effect of such items and, when agreed to by the carrier, to use it in certifying the amount as final settlement of the guaranty under this section.

LOANS TO CARRIERS DURING TRANSITION PERIOD.

Section 210 of the transportation act, 1920, as amended, creates a revolving fund of $300,000,000 for the purpose among others of loans during the transition period immediately following the termination of Federal control to carriers by railroad subject to the

act, to meet maturing indebtedness or to acquire equipment or to make other additions and betterments, and provides that loans for equipment may be made to or through such organization, car trust, or other agency as may be determined upon or approved or organized for the purpose by us as most appropriate in the public interest for the construction and sale or lease of equipment to carriers.

On April 23, 1920, an order was issued prescribing the form of application for loans.

On May 29, 1920, a hearing was held in respect of the general principles which should guide us in administering the revolving fund, and on June 7, 1920, a tentative apportionment of the fund was announced, as follows:

To aid in the acquisition of freight cars	$75,000,000
To aid in the acquisition of freight and switching locomotives	50,000,000
To aid in the making of additions and betterments to promote the movement of freight-train cars	73,000,000
To aid in the meeting of maturing indebtedness	50,000,000
Appropriation for short-line railroads	12,000,000
Temporary reserve for claims and judgments against the United States arising out of Federal control	40,000,000
Total	300,000,000

Because of amendments, June 5, 1920, to section 210 of the transportation act, 1920, it became desirable for carriers to amend or supplement pending applications for loans or to file application in the light of the principles announced in our circular of June 7, 1920, and of the knowledge then available as to the purposes and limitations of the law. The time for filing applications for consideration in the initial distribution of the revolving fund was extended to June 19, 1920.

The Association of Railway Executives and the American Short Line Railroad Association indicated to us that their associations would submit recommendations in respect of the loans to be made to the several carriers members of their respective associations out of the apportionment for each general purpose, in accordance with our rules of apportionment. We availed ourselves of these offers of cooperation, and both associations appointed committees to examine the applications for loans and make recommendations thereon. The loan committee of the Association of Railway Executives met on June 25, July 15, and July 22, 1920, and made final report of recommendations as of July 28, 1920. The loan committee of the American Short Line Association is making individual recommendations for the carriers which are members of that association.

Pursuant to our announcement of June 7, 1920, that the allotment of $75,000,000 from the revolving fund for freight cars would be apportioned in such manner as to result in the acquisition of the

largest number of such cars, efforts have been made looking to the formation of equipment corporations to supply the carriers with needed equipment. The principal developments in this direction have been, with respect to the trunk-line carriers, through the National Railway Service Corporation under the auspices of the National Association of Owners of Railroad Securities, and, with respect to the short-line carriers, through the Consolidated Railway Equipment Corporation under the auspices of the American Short-Line Railroad Association.

One hundred and forty formal applications for loans have been filed, of which 36 have been approved either in whole or in part. Thirty-one have been withdrawn, and two have been denied.

Loans are being certified as rapidly as the carriers complete their applications and enable us from the record to make the findings required by the statute, namely, that the loan is necessary to enable the applicant properly to meet the transportation needs of the public, that the prospective earning power of the applicant and the character and value of the security offered are such as to furnish reasonable assurance of the applicant's ability to repay the loan within the time fixed therefor, and to meet its other obligations in connection with the loan, and reasonable protection to the United States, and that the applicant is unable to secure the necessary funds from other sources.

The following loans have been approved:

Ann Arbor R. R. Co	$285,000
Aransas Harbor Terminal Ry	135,000
Atchison, Topeka & Santa Fe Ry. Co	5,493,600
Atlanta, Birmingham & Atlantic Ry. Co	200,000
Baltimore & Ohio R. R. Co	3,000,000
Bangor & Aroostook R. R. Co	200,000
Boston & Maine R. R	5,000,000
Carolina, Clinchfield & Ohio Ry	3,000,000
Central New England Ry. Co	300,000
Central of Georgia Ry. Co	815,000
Chesapeake & Ohio Ry. Co	3,759,000
Chicago & Western Indiana R. R. Co	8,000,000
Chicago, Burlington & Quincy R. R. Co	4,446,525
Chicago Great Western R. R. Co	276,000
Chicago, Indianapolis & Louisville Ry. Co	200,000
Chicago, Rock Island & Pacific Ry. Co	2,000,000
Delaware & Hudson Co	1,125,000
Erie R. R. Co	9,840,700
Great Northern Ry. Co	17,910,000
Hocking Valley Ry. Co	1,665,000
Illinois Central R. R. Co	4,440,000
Kansas City, Mexico & Orient R. R. Co	2,500,000
Long Island R. R. Co	719,000
Maine Central R. R. Co	1,653,000

Missouri Pacific R. R. Co	$8,871,760
Northern Pacific Ry. Co	6,000,000
Pennsylvania R. R. Co	6,780,000
Salt Lake & Utah R. R. Co	300,000
Seaboard Air Line Ry. Co	6,073,400
Terminal R. R. Association of St. Louis	896,925
Texas & Pacific Ry. Co	3,000,000
Virginian Ry. Co	2,000,000
Western Maryland Ry. Co	2,422,800
Wheeling & Lake Erie Ry. Co	2,460,000
Total	115,767,710

The purposes for which loans were approved are as follows:

To meet maturing indebtedness	$57,790,750
To aid in the acquisition of locomotives and cars	28,698,745
To aid in the making of other additions and betterments	29,278,215
Total	115,767,710

Paragraph (b) of section 210 of the transportation act, 1920, as amended by section 5 of the sundry civil appropriations act, June 5, 1920, requires us to make certain specified findings in the certification of loans to the Secretary of the Treasury. One of such findings is that the applicant for the loan is unable to provide itself with the funds necessary for the purposes of the loan from other sources. Questions having arisen as to the conditions which would justify the making by us of this finding, a hearing with respect to the matter was held on September 23, 1920. The consensus of opinion expressed at the hearing was that inability of an applicant for a loan to provide itself with the funds necessary from other sources should not be interpreted as absolute inability, but that if the terms and conditions under which funds could be obtained from other sources are so burdensome that they should not, in the exercise of a wise business discretion, be accepted, the finding could properly be made that the applicant is unable to obtain the funds necessary for the purposes of the loan from other sources.

COOPERATION OF STATE AUTHORITIES.

Notices of applications for certificates of public convenience and necessity and of applications for authority to issue securities are given by us to the governors of the states interested, in accordance with paragraph (19) of section 1 and paragraph (6) of section 20a of the interstate commerce act, respectively. The cooperation extended us by the state authorities in these matters has, in general, been prompt, cordial, and helpful; in some cases of applications for certificates of public convenience and necessity, the state authorities have held the necessary hearings and certified to us the records thereof, with their recommendations.

BUREAU OF ACCOUNTS.

During the greater part of the year this bureau, which we have heretofore designated as the bureau of carriers' accounts, has been occupied with the examination of the accounts relating to operating income for the three years ended June 30, 1917, of carriers whose properties were taken under Federal control. This work, which was necessary to enable us to certify to the President the amount of average annual operating income for the test period, was undertaken as soon as practicable after approval of the Federal control act and has been carried forward without interruption. In our last report we stated that out of a total of approximately 560 carriers the accounts of 173 were yet to be examined. All field examinations have now been completed, and the average annual operating income for the test period has been determined for all but 184 carriers. As to these carriers the amount of such income is in process of adjustment because of corrections found necessary as a result of our examinations.

During the more recent months as the investigations necessitated by the Federal control act neared completion the bureau has also been actively engaged in accounting examinations for the purpose of enabling us to certify the amounts payable to carriers under sections 204 and 209 of the transportation act, 1920. This work involves an examination of the accounts of each carrier affected, and, with respect to a large number of them, will cover an accounting period of approximately six years.

While the accounting examinations required by the Federal control act have confined the activities of the bureau along necessarily restricted lines and thus have had the effect of suspending our more extended examinations covering all phases of carriers' accounts, they have nevertheless accomplished much in the interest of uniform accounting and have resulted in a clearer understanding by carriers' accounting officers generally of the principles embodied in our accounting regulations. Similar benefits will accrue from the bureau's work in connection with sections 204 and 209 of the transportation act, 1920.

Section 20 of the interstate commerce act now requires us to prescribe as soon as practicable for carriers subject to the act the classes of property for which depreciation charges may properly be included under operating expenses and the percentages of depreciation which shall be charged with respect to each of such classes of property. For the purpose of carrying out these requirements a special section of the bureau has been created which will devote its entire time to the consideration of depreciation. That section is now engaged on preliminary work so that the necessary studies and analy-

ses may be systematically and efficiently undertaken and the provisions of the act in this respect made operative at the earliest date compatible with the magnitude and complicated character of the subject.

The accounting work necessary to assure compliance with section 20 and other sections of the interstate commerce act, as amended by the transportation act, 1920, necessitated enlargement of the bureau's staff of accountants. The work of recruiting the force to the maximum strength possible under the increased appropriation for the bureau, approved June 5, 1920, was promptly undertaken. It has progressed more rapidly, and will be completed earlier, than was expected in view of the scarcity of accountants possessing the special qualifications and technical experience required in our work. From present indications a full complement of accountants will be enrolled on or before January 1, 1921.

BUREAU OF STATISTICS.

The principal extension of the work of this bureau during the past year has been the addition of monthly reports of operating statistics, such as those relating to train-miles, car-miles, ton-miles, and other units of physical operation. Such data were in prior years required only annually. The Director General of Railroads found it necessary to institute a system of monthly operating statistics for the purpose of supervising railroad operations effectively. In addition to our former annual requirements, certain new records were added, such as those pertaining to train-hours, locomotive-hours, gross ton-miles, rating ton-miles, and the direction of movement. By order of December 1, 1919, we required carriers to continue all of the basic records relating to operating statistics inaugurated by the Director General. The order further required certain of these data to be reported monthly. The development of this class of statistics, so as to meet our needs fully under the transportation act, 1920, is receiving careful consideration.

Progress has been made in the matter of commodity statistics. By order of December 1, 1919, we adopted a classification of commodities comprising 70 classes, in place of the 38 classes formerly in use. For each of the 70 classes the tonnage carried and the number of carloads handled are reported quarterly. The reporting of the number of carloads in addition to the tonnage heretofore required has the advantage of enabling one to compute the average load per car of each of the commodity classes. As a test of the usefulness of the more elaborate scheme of commodity statistics discussed in our last report, we also required as a special study a report for the month of April, 1920, showing, for 15 selected classes of commodities, the tonnage, the revenue, the number of carloads, and the states of origin and

destination as shown by the waybill. The value of this test is diminished by the fact that the strike of the switchmen occurred in April, 1920. As an illustration of the nature of the resulting data the movement of automobiles and auto trucks from the State of Michigan is presented in the margin.[1]

Steps have also been taken to expand considerably the statistics relating to railroad employees. The classification of employees now in force is not sufficiently detailed to meet the needs of those engaged in the adjustment of wages. A revised classification has been submitted to the United States Railroad Labor Board, to the carriers, and to the labor organizations for consideration. Pending the revision of the schedules now in use we are receiving quarterly reports on the same form heretofore used annually, as the annual reports are necessarily much delayed. An annual statement of the number of women employed by railroads in various occupations has also been added to the statistical compilations of the bureau.

On June 15, 1915, we entered an order prescribing rules governing the separation of operating expenses between freight and passenger services. That order was modified on October 23, 1917, relieving the carriers from the requirement of making the apportionments in order to reduce as much as possible the statistical work during the war. Effective January 1, 1920, these rules have again been amended so as to provide for an accounting subdivision of each railway operating expense account between freight service and passenger and allied services. The bureau has under consideration a further separation of operating expenses as between terminal and line or road services.

[1] *Automobiles and autotrucks waybilled from points in the state of Michigan during the month of April, 1920.*

Waybilled from points in Michigan to points in—	Number of carloads.	Number of tons.	Total waybill revenue.	Average revenue	
				Per car.	Per ton.
Illinois	1,130	8,780	$95,226.89	$84.27	$10.85
Ohio	1,114	8,772	76,626.46	68.78	8.74
New York	1,029	7,310	106,397.12	103.40	14.56
New Jersey	757	7,582	107,525.51	142.04	14.18
Minnesota	632	5,283	99,755.17	157.84	18.88
California	615	5,518	349,748.07	568.70	63.38
Pennsylvania	553	4,251	61,333.34	110.91	14.43
Massachusetts	527	3,521	59,372.64	112.66	16.86
Texas	499	4,320	162,885.03	326.42	37.71
Michigan	408	3,288	22,063.68	54.08	6.71
Missouri	339	2,935	49,479.47	145.96	16.86
Washington	303	2,300	151,728.10	500.25	65.97
Indiana	263	2,843	22,883.82	87.00	8.05
Canada	246	1,989	26,482.59	107.65	13.32
Arkansas	230	2,307	65,833.03	286.23	28.54
Wisconsin	194	1,266	18,696.89	96.37	14.77
Oregon	192	1,288	91,192.08	474.96	70.80
Oklahoma	161	1,677	52,949.80	328.88	31.57
Virginia	140	905	15,474.78	110.53	17.10
Kansas	115	691	24,462.22	212.71	35.40
Maryland	112	781	13,375.28	119.42	17.13
29 other states	1,053	7,467	228,835.05	217.32	30.65
Total	10,612	85,074	1,902,327.02	179.26	22.36

Selected data of general interest drawn from the periodical reports of this bureau will be found in Appendix C to this report. Attention may be called to the fact that in the first seven months of 1920 the volume of freight carried exceeded that of the same period in the preceding year by 17.1 per cent. Comparison with the corresponding data published by the United States Railroad Administration indicates that for the first seven months taken as a whole, the traffic of 1920 is in excess of that of the war year 1918.

From the table showing monthly financial results for large steam roads the decline in the net railway operating income since 1917 clearly appears. This table includes data for all large roads which file monthly reports. In making a computation of the amount necessary to make good the guaranty for the six months ended August 31, 1920, it is necessary to consider that 35 of the carriers making monthly reports did not accept the provisions of section 209, transportation act, 1920; that war taxes are included among the deductions from revenue in 1920; that we may find that heavier maintenance charges have been included in the accounts than can be allowed in computing the income for the guaranty period; and that many other adjustments will have to be made in the returns both for the test period and the guaranty period. For the large roads accepting the guaranty provisions, the reports now rendered indicate that the amount required to make good the guaranty for the six months is approximately $600,000,000, after deducting war taxes, which are borne by the corporations. To what extent the maintenance, limitation, and other adjustments will modify this loss to the Government we are unable to say at this time. The extent of the loss on the smaller roads can not be stated until special reports are received, but the addition will be relatively small.

In connection with the tables of accident statistics, it may be observed that of the 6,495 persons killed in train and train-service accidents in the calendar year 1919, 1,784, or over 27 per cent, were killed in highway grade crossing accidents.

FORMAL DOCKET.

In our last annual report reference was made to the procedure inaugurated in February, 1917, of submitting to interested parties the proposed reports of examiners in the larger and more important cases. This plan met with such general approval that during September, 1919, its use was expanded and now embraces most of the cases heard by examiners.

The formal complaints filed numbered 1,040, of which 900 were original complaints and 140 subnumbers, which may be compared with 695 original complaints and 143 subnumbers filed during the

previous period. We decided 478 cases and 142 have been dismissed by stipulation, or on complainant's request, making a total of 620 disposed of, as against 598 during the previous period.

We conducted 1,303 hearings and took approximately 150,986 pages of testimony, as compared with 839 hearings and 106,591 pages of testimony during the preceding period.

Subjoined is a statement which shows certain facts as to the condition of our docket upon November 1, 1917, 1918, 1919, and 1920:

	1917	1918	1919	1920
Cases at issue but not set for hearing	185	21	54	146
Cases set for hearing but not heard	111	142	184	92
Cases heard but not fully submitted	110	87	234	505
Cases submitted	643	386	274	385
Total cases pending	1,217	768	860	1,256

INVESTIGATION AND SUSPENSION DOCKET.

During the year 66 proceedings were instituted on this docket. We declined to suspend protested schedules in 70 instances and disposed of 33 proceedings previously instituted.

INVESTIGATIONS.

The following investigations have been concluded:

Investigation pursuant to Senate resolution 222, October 30, 1919, as to the facts in connection with the present or prospective ownership or control by the Government of the Dominion of Canada of any line or lines of railways or parts thereof within the territory of the United States. December 3, 1919, report to the Senate.

Proceeding of inquiry instituted in response to Senate resolution 267 of January 16, 1920, with a view to ascertaining the facts with respect to the living conditions of trainmen who are compelled to lie over at terminals between trips, and investigate the feasibility on the part of railroad companies of furnishing to their men accommodations suitable to their needs at such terminals. August 3, 1920, report to the Senate. 58 I. C. C., 761.

Instituted on our own motion to determine the propriety and lawfulness of proposed increased class and commodity express rates of the American Railway Express Co. 58 I. C. C., 281; 58 I. C. C. 707.

Investigation with respect to matters required to be done pursuant to subdivisions 2 and 4 of section 15a of the interstate commerce act, as amended by section 422 of the transportation act, 1920, with respect to the rate groups or territories to be designated and the aggregate value of the rail properties in such rate groups or territories. 58 I. C. C., 220.

Investigation on our own motion as to proposed general percentage increases in freight and passenger rates. 58 I. C. C., 220; 58 I. C. C., 302; 58 I. C. C. 489.

Concerning the class and commodity rates from eastern cities and interior eastern points, Virginia cities, Buffalo-Pittsburgh territory, Ohio and Mississippi River crossings, south Atlantic and Gulf ports, and points in the Mississippi Valley to points in southeastern territory. Discontinued February 10, 1920.

Concerning the propriety of joint rates between the St. Louis, Iron Mountain & Southern Railway Co., and Gulf, Colorado & Santa Fe Railway Co., and Oakdale & Gulf Railway Co., and the divisions of such rates. 58 I. C. C., 450.

With a view to the entry of an order or orders fixing and determining fair and reasonable rates and compensation for the transportation of mail matter by railway common carriers in accordance with section 5 of the act approved July 28, 1916, making appropriations for the service of the Post Office Department for the year ended June 30, 1917. 56 I. C. C., 1.

Concerning the propriety of the rates, rules, regulations, and practices of common carriers governing transportation of petroleum and its products between points in official classification territory. Discontinued August 7, 1920.

With a view to the entry of orders fixing fair and reasonable rates and compensation for the transportation of mail matter by urban and interurban electric railway companies in accordance with the act approved July 2, 1918, making appropriations for the service of the Post Office Department for the year ended June 30, 1919. 58 I. C. C., 455.

The following investigations are still open, but reports have been made as indicated:

Instituted for the purpose of determining the regulations governing the making and offering of nominations for appointment of members of the railroad labor board and determining what classes of officials of carriers shall be included within the term "subordinate official," under the provisions of sections 300 to 313, both inclusive, of the transportation act, 1920. March 8 and 23, 1920, regulations prescribed.

Concerning rules and regulations for the prompt payment of transportation rates and charges to be prescribed under section 3 of the interstate commerce act, as amended by section 405 of the transportation act, 1920. 57 I. C. C., 591.

With respect to existing rules, regulations, and practices of common carriers by railroad as to the supply, exchange, interchange, and return of open-top equipment. Orders entered May 20; June 9,

19, 30; July 13, 20, 24, 26, 29; August 3, 10, 25, 31; September 16, 17, 28; and October 1, 8, and 27, 1920.

Concerning allowances to short lines of railroads serving iron and steel industries. 55 I. C. C., 194; 57 I. C. C., 97, 371; 58 I. C. C., 402, 558, 561, 666, 671, 677, 680.

Concerning rules and regulations governing the transportation of inflammable and other dangerous articles. Revised regulations prescribed. 56 I. C. C., 734.

Concerning the propriety of rates, charges, practices, rules, regulations, ratings, classifications, carload minima, differentials for hauls over two or more lines, and bridge tolls or charges applicable on traffic between Memphis and points in Arkansas and contiguous territory in Missouri and Oklahoma. 55 I. C. C., 515.

Concerning the carload minima governing the transportation of lumber and lumber products between all points in the United States. 56 I. C. C., 318.

Tidewater bituminous coal, responsive to Senate Resolution No. 374. Report dated November 1, 1920, sent to Senate November 8, 1920.

The following investigations are still open:

Concerning the rates, rules, and practices of carriers engaged in the transportation of salt from Saltair, Utah, and other points on the line of the Inland Railway Co., and as to the relationship between the Inland Crystal Salt Co., Inland Railway Co., and the Salt Lake, Garfield & Western Railway Co.

On the application of the American Railway Express Co. requesting an order approving and authorizing the consolidation of the express transportation business and property of the Adams Express Co., American Express Co., Wells Fargo & Co., and Southern Express Co. under section 407 of the transportation act, 1920.

Concerning proposed changes in express classification.

Concerning practices of telegraph companies subject to the interstate commerce act in adjusting claims for damages arising from errors or delays in the transmission or delivery or from nondelivery of interstate messages and the reasonableness of the limitations of liability.

Concerning the propriety and lawfulness of article 5 of proposed form of contract between rail carriers and the American Railway Express Co.

Concerning the rules, regulations, and practices with respect to the issuance, transfer, and surrender of bills of lading.

Concerning the practices of common carriers in leasing their facilities and other properties to shippers.

Concerning the rates, rules, regulations, and practices of carriers governing transportation of live stock, fresh meats, and packinghouse products.

Concerning the reasonableness of rates on bituminous coal from points in Virginia, West Virginia, Kentucky, and Tennessee to points in Virginia, North Carolina, South Carolina, Georgia, and Florida.

Into the propriety of divisions, rules, regulations, and practices of the Sugar Land Railway Co. and of its connections.

In the matter of intrastate rates and fares of the New York Central Railroad Co. and other carriers in the state of New York.

In the matter of intrastate rates within the state of Illinois.

In the matter of intrastate fares and charges of the Chicago & North Western Railway Co. and other carriers in the state of Iowa.

In the matter of intrastate fares of the Michigan Central Railroad Co. and other carriers in the state of Michigan.

In the matter of intrastate passenger fares of the Chicago & North Western Railway Co. and other carriers between points in the state of Wisconsin.

In the matter of intrastate rates and fares of the Gulf, Colorado & Santa Fe Railway Co. and other carriers in the state of Texas.

In the matter of intrastate rates, fares, and charges in the state of South Carolina.

In the matter of intrastate rates, fares, and charges of the Missouri Pacific Railway Co. and other carriers in the state of Arkansas.

In the matter of intrastate fares and charges of the Chicago, Burlington & Quincy Railroad Co. and other carriers between points in the state of Minnesota.

In the matter of intrastate fares and charges of the Atlantic Coast Line Railroad Co. and other carriers in the state of North Carolina.

In the matter of intrastate rates, fares, and charges of the Union Pacific Railroad Co. and other carriers in the state of Nebraska.

In the matter of passenger and Pullman fares, charges for excess baggage, and rates on milk and cream applicable between points in the state of Ohio.

In the matter of intrastate passenger fares of the Denver & Rio Grande Railroad Co. and other carriers between points in the state of Utah.

In the matter of intrastate rates, fares, and charges of the Atlantic Coast Line Railroad Co. and other carriers in the state of Florida.

In the matter of intrastate rates and charges in the state of Missouri.

In the matter of intrastate rates, fares, and charges of the Morgan's Louisiana & Texas Railroad & Steamship Co. and other carriers in the state of Louisiana.

In the matter of rates, fares, and charges applicable between points in the state of Indiana.

In the matter of intrastate rates and fares of the Chicago, Burlington & Quincy Railroad Co. and other carriers in the state of Montana.

BUREAU OF INFORMAL CASES.

This bureau was formerly designated as the bureau of correspondence and claims, and its functions were explained in detail in our annual report for the year 1916.

The number of informal complaints received was 4,208, a decrease of 242. The Director General of Railroads and carriers filed 1,798 special docket applications for authority to refund amounts collected under the published rates admitted by them to have been unreasonable, a decrease of 87. Orders authorizing refund were entered in 1,849 cases, an increase of 94, and reparation thereon was awarded in amounts aggregating $849,607.78. In addition, 442 cases were dismissed or otherwise disposed of without orders. The bureau also handled approximately 39,000 letters, many of which had the characteristics of complaints, although not so classified. Others sought general information and informal rulings upon the respective rights and obligations of the public and common carriers under existing statutes.

BUREAU OF TRAFFIC.

In the rearrangement of our forces to meet the increased duties laid upon us by the transportation act and contemporaneous legislation, the bureau of traffic was organized. In this bureau we have consolidated the several boards, sections, and divisions which have heretofore dealt with the publication and filing of tariffs; the suspension of rates pending investigation; applications for relief from the provisions of section 4 of the act; the classification of freight; express charges; and practically all matters affecting charges for transportation other than proceedings on our formal docket, and complaints of an informal character handled by our bureau of informal cases.

The bureau is headed by a director of traffic with subordinate jurisdiction over matters pertaining to traffic. In addition to the special work of the various units of the bureau outlined below, its activities are directed toward the adjustment by informal conferences and correspondence of controversies arising between shippers and carriers, and the settlement of differences between carriers concerning divisions of joint rates, designed to promote harmony between the carriers and the public, facilitate the disposition of urgent matters, and lessen the number of matters eventually brought before us upon formal complaint.

Notwithstanding our efforts to promote simplicity of tariff publication, questions constantly arise concerning the interpretation and

application of tariff rates and rules governing charges for transportation which require investigation and informal rulings, without prejudice to any formal proceedings that may be thereafter instituted.

Pursuant to plans for promoting harmony, carriers have since their return to private control continued in a modified form a system inaugurated by the director general of issuing to the public announcements of proposed rate changes and conducting public conferences at which interested parties are afforded an opportunity of presenting facts with respect to such proposed changes before they are made effective.

We believe that this system will materially assist in maintaining a spirit of cooperation between the shipping public and the carriers and will tend to lessen the number of disputed matters eventually brought before us for disposition in a formal way.

TARIFFS.

The number of tariff publications filed, containing changes in freight, express, and pipe-line rates, passenger fares, and classification ratings was 135,426. The increase in the number of rate changes established during this period, as compared with the previous year was due to the general increases in rates, fares, and charges authorized by us following the passage of the transportation act, 1920, and the many changes made immediately prior to the termination of Federal control.

During the period 2,524 requests for permission to make changes in rates, fares, or charges on less than 30 days' notice were handled; 3,306 schedules tendered for filing were rejected for failure to give lawful notice of changes; 640 schedules proposing changes in rates, fares, or charges for Federal controlled lines were rejected upon request of the United States Railroad Administration because necessary approval for such changes had not been secured; 352 schedules containing reductions in rates, fares, or charges were rejected because our approval required under section 208(a) of the transportation act had not been secured; and 324 schedules of increased joint rates or fares between carriers under Federal control and local rates and fares for noncontrolled carriers were refused for filing because the approval required under the amended fifteenth section had not been secured.

Rate memoranda have been supplied in 5,146 cases for our use and for shippers, carriers, and other departments of the Government. These memoranda are in addition to the large number of informal rate quotations and verifications made daily. Shippers, carriers, and departments of the Government in increasing numbers have made use of the schedules maintained for the use of the public.

CLASSIFICATION OF FREIGHT.

In our thirty-third annual report we spoke of efforts in the direction of consolidating the official, southern and western classifications and said that it was expected that such a consolidated classification would be filed with us at an early date.

Consolidated Freight Classification No. 1 was filed shortly thereafter to become effective December 10, 1919. With few exceptions this volume brought about uniform general rules and commodity descriptions, packing specifications, and minimum weights, hereinafter called rules and items, as distinguished from ratings. With respect to ratings it effected only such changes as were a reasonably necessary part of the establishment of uniform rules and items or as the establishment of new items indirectly effected changes. This consolidated volume displaced the separate issues of the official, southern and western classifications. The greatest objection to more than one classification rested in the absence of uniform rules and items rather than in nonuniform ratings.

While changes in ratings were confined to what might be termed necessary changes, in accordance with our recommendations, the consolidated classification reflects a greater degree of uniformity in ratings than has ever before been attained. It is uniform as to practically all rules and items.[2] A notation appearing in the consolidated classification reads as follows:

> In those instances where descriptions published herein are not uniform for the three classification territories the differences are temporary and are maintained only until investigations are made based upon suggestions of the Interstate Commerce Commission in Docket I. C. C., 10204.

The Consolidated Classification Committee, created during the life of the Railroad Administration, has now been made a permanent organization by the carriers. It consists of the chairmen of the official, southern, and western classification committees. The committee is continuing the practice of issuing dockets embracing proposed changes and holding public hearings relative thereto.[3] It has been instructed to maintain uniformity in rules and items. Ratings are determined by each territorial committee for its respective territory.

All of the committees now have authority to dispose of territorial classification matters without the delay and confusion formerly incident to submitting their proposed action to their respective principals

[2] Rule 1, relating to bill of lading conditions; rule 10, the general rule governing mixed carload shipments; meats; estimated weights on petroleum; outfits and articles on their own wheels, and wool, are the rules and items as to which uniformity has not, for various reasons, been attained.

[3] While the consolidated committee is composed of the chairmen of the territorial committees it is the practice of most of the other members of those committees to attend these hearings. The members of the committees are therefore kept in touch with the needs and desires of the public.

for review. The three committees work through the consolidated committee. This makes for expedition in the consideration and disposition of classification matters.

The Consolidated Classification Committee was also recently instructed to proceed with the unification of ratings as rapidly as is consistent and that any rating which is now, or shall be, uniform in all territories shall not be changed except to a rating which shall also be uniform in all territories. The committee held public hearings during the summer respecting proposed changes in several hundred ratings, most of them looking toward uniformity and many of them following suggestions made in our report to the Director General in *Consolidated Classification Case*, 54 I. C. C., 1. Meanwhile the carriers applied to us for authority to make substantial increases in the general level of their rates in all territories. Such authority was granted in Ex Parte No. 74, *Increased Rates, 1920, supra.* Shippers generally supported the carriers in their request for increased revenues but have objected to further increases in rates by means of changes in classification ratings. It has been suggested to the carriers that it would be best to proceed more slowly just at this time with respect to uniform ratings than might be proper were it not for Ex Parte 74, but that such changes as are made should be in the direction of uniformity.

The question of the elimination of the Illinois classification was pending at the close of the last period. Since then, as result of conference between shippers and carriers, in which we participated with the Public Utilities Commission of Illinois, the Illinois classification has been revised, not only as to rules and items along the lines of the consolidated classification, but also as to ratings. In most instances, the same ratings as in official classification have been established, except when competition that is met by Illinois state shippers comes from western classification territory, in which event the western classification rating has been adopted. One of the principal sources of dissatisfaction in this respect is the difference between the official and western classification ratings on food products, such as canned vegetables, soups, etc. These were among the changes the carriers recently proposed looking to uniformity. As previously stated, uniform ratings in the three major classification territories would no doubt remove many, if not most, of the perplexing conditions found in Illinois classification territory.

The southeastern lines are endeavoring to gradually eliminate adjustments made in the past as occasion arose to meet conditions that do not now prevail. This has particular reference to any quantity ratings that have characterized and continue to prevail in the southern classification. As rapidly as is consistent these are apparently

being resolved into carload and less-than-carload ratings, in the light of each individual case.

As stated in our thirty-third annual report, generally speaking the states of Alabama, Florida, Georgia, Illinois, Iowa, Mississippi, Nebraska, North Carolina, and Virginia have their own classifications. Evidence was taken in the *Consolidated Classification Case* as to the effect of canceling various state classifications and substituting therefor the consolidated classification. Our conclusion was that equality between intrastate and interstate ratings should not be accomplished by such substantial increases as would result if the proposed consolidated classification were substituted for the state classifications. We expressed the view that the respective situations should be worked out gradually. The North Carolina classification is in the form of an exception sheet to the southern classification. Its application is not so extensive as that of other southeastern state classifications. In western classification territory there are but two state classifications, Iowa and Nebraska, the latter having but limited application.

Following suggestions made in the *Consolidated Classification Case*, looking toward eventual uniformity, the lines in official classification territory have announced that they will submit for consideration a classification based on 10 classes instead of 8 classes, as at present, and in connection therewith a revised scale of class rates, each rate having a definite relationship to the first-class rate throughout the territory. There is at present no well-defined relationship in some parts of that territory.

SUSPENSIONS.

As is noted elsewhere, 66 proceedings were instituted upon the investigation and suspension docket during the year, all but 3 of which were subsequent to February 28, 1920, the termination of Federal control. Only 3 proceedings were instituted during the period prior to March 1, 1920, because of the provisions of the Federal control act prohibiting suspension of rates initiated by the director general. During the year 140 protests were received seeking the suspension of new schedules. In 70 cases we refused to suspend, 3 were received too late for action, and 1 was withdrawn.

The total number of applications to increase rates under the terms of the amended fifteenth section of the act during the period August 9, 1917, to December 31, 1919, inclusive, was 9,097, of which 552 were filed during the months of November and December, 1919. During these two months 487 applications were approved, 25 denied, 95 were withdrawn by the applicant carrier, 6 were assigned to dockets for formal hearing, 15 were disposed of by other proceedings, and 738 were pending December 31, 1919, on which date the amendment to section 15 expired by limitation.

Under section 208(a) of the transportation act, 1920, carriers were prohibited from reducing rates during the period March 1 to August 31, 1920, inclusive, except after securing our approval. During that period 3,265 applications for such authority were filed, of which 1,066 were approved, 16 denied, 1,533 withdrawn by the applicants, 7 disposed of by other proceedings, and 643 remained unacted upon August 31, 1920, on which date the requirement for approval expired.

THE FOURTH SECTION.

The fourth section of the act has been changed in important particulars by the transportation act, 1920.

Prior to this we were empowered, upon application by a common carrier, and after investigation to authorize it, in special cases "to charge less for longer than for shorter distances for the transportation of passengers and property," and were also empowered "from time to time to prescribe the extent to which such designated common carrier may be relieved from the operation of this section."

In administering this section we proceeded upon the theory that the Congress intended that we should in proper cases exercise the power to grant relief, observing the rules laid down in the other sections of the act, and that it was appropriate to grant relief when, in our opinion, the resulting rates or fares would not be unjust or unreasonable in violation of the first section or unduly prejudicial in violation of the third section.

The section now provides:

> That upon application to the Commission such common carrier may in special cases, after investigation, be authorized by the Commission to charge less for longer than for shorter distances for the transportation of passengers or property, and the Commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section, but in exercising the authority conferred upon it in this proviso the Commission shall not permit the establishment of any charge to or from the more distant point that is not reasonably compensatory for the service performed and if a circuitous rail line or route is, because of such circuity, granted authority to meet the charges of a more direct line or route to or from competitive points and to maintain higher charges to or from intermediate points on its line, the authority shall not include intermediate points as to which the haul of the petitioning line or route is not longer than that of the direct line or route between the competitive points, and no such authorization shall be granted on account of merely potential water competition not actually in existence.

It should be stated, however, that as these powers have been exercised for several years, these limitations will have little effect upon the actual administration of this section, for the reason that it has not been our practice to grant relief in order to permit carriers to charge a lower rate at a more distant point than at intermediate

points unless the lower rate was reasonably compensatory; and for several years we have made it a rule of almost universal application not to grant relief on the ground of circuity of route that would permit carriers to charge at intermediate points—as to which the haul was not longer than that of the direct line or route between competitive points—any rates exceeding those between the competitive points. We have also refused for several years to grant relief because of potential water competition. In our thirty-third annual report we referred to our policy in this respect in commenting upon our decision in *Earle Cooperage Co.* v. *St. L., I. M. & S. Ry. Co.*, 53 I. C. C., 295.

In our thirty-third annual report we referred to the fact that the Director General of Railroads had in important cases declined to defend carriers' applications for relief under the fourth section and had requested relief in but few instances. The result was that the number of applications for such relief had been greatly reduced, and most of those filed were made by or on behalf of carriers not under Federal control. Since the return on March 1 last of the transportation systems to corporate control and the renewal of more active competition between individual carriers there has been a great and growing increase in the number of these applications.

The number of applications received for relief during the period covered by this report was 201, an increase of 150 over the preceding year. The number of fourth section orders entered was 200, of which 113 were permanent in character and 87 for temporary relief. Of the orders entered, 88 were in response to applications included among the original 5,030 applications for authority to continue fourth section departures existing at the time of the passage of the amendment of June 18, 1910, and 107 were in response to applications filed subsequently. Applications withdrawn after correspondence with carriers numbered 73. Orders granting relief in whole or in part totaled 95; orders denying relief in whole or in part numbered 122. Applications were assigned in whole or in part for hearing in connection with other proceedings in 81 instances.

The most important decision rendered under the fourth section was in *Memphis-Southwestern Investigation*, 55 I. C. C., 515.

In that case we considered, among other things, the practice of the carriers operating in the Mississippi Valley of maintaining lower rates at points on the Mississippi River than at intermediate points in the interior. The conclusion was reached that water competition on the river which had been alleged as the reason for that practice was no longer of such a character as to justify its continuance, and an order was entered rescinding all relief previously granted from the provisions of the fourth section of the act in respect to the rates between the principal cities on the river.

This decision has had far-reaching results and will require a revision of rates throughout the Mississippi Valley not only as to traffic between the points included in our order, but also traffic between the Mississippi Valley and all points in the United States. These rates will be readjusted to conform to the fourth section, and will remove a condition which has long been a source of dissatisfaction and complaint.

DISCRIMINATIONS UNDER THE FOURTH SECTION INCREASED OR CREATED DURING FEDERAL CONTROL.

Following the general increases in rates, fares, and charges, made pursuant to General Order No. 28 of the director general, all existing rates, fares, and charges that were higher for shorter than for longer hauls over the same line or route in the same direction, the shorter being included in the longer, were subjected to greater increases in specific amounts than the lower rates for longer hauls. In certain instances also new discriminations under the fourth section were created.

There were also many instances where new or increased violations of the rule of the fourth section were created during the period of Federal control without authority from us. Upon the termination of Federal control it became apparent that it would be necessary for the carriers to be relieved from the provisions of the fourth section in respect to rates established during that period until such time as they might reasonably be expected to revise and readjust their rates so as to correct such violations. Appropriate orders were, therefore, entered authorizing the continuance of such rates, fares, and charges as were established by direction or under the authority of the director general during the period of Federal control in contravention of the provisions of the fourth section and without our authority until January 1, 1921, and in cases where applications were filed to cover such rates until such applications were passed on by us. Owing to the great amount of additional work incident to the publication of the increased rates, fares, and charges approved in our report in *Increased Rates, 1920, supra*, it has become necessary to extend the time allowed for the correction of these departures to March 1, 1921, as to rates and charges for the transportation of property, and until March 1, June 1, and December 1, 1921, as to certain classes of passenger fares and charges.

It is expected that the carriers will be able within the additional time allowed to correct all of these fourth section departures that are not properly covered by applications or approved.

RELEASED RATES.

The law prohibits all limitations upon the carriers' liability for the full loss, damage, or injury caused by them to property transported by them, and also all attempts to so limit liability in any form or manner, except when rates dependent upon the value declared in writing by the shipper or agreed upon in writing as the released value of the property are authorized by us. It is specifically provided that such declaration or agreement shall limit the liability and recovery to an amount not exceeding the amount so declared or agreed to and shall not, so far as relates to values, be held to be in violation of section 10 of the act. We have taken the view that when such rates have been authorized by us shippers may properly declare a value less than the actual value in order to take advantage of lawfully established released rates or of rates dependent upon the declared value of the property. Rates and ratings dependent upon declared or agreed values are proper and desirable as to many commodities. Important among them are live stock chiefly valuable for breeding, racing, show purposes, or other special uses; wild animals; rugs; household goods and emigrant movables; jewelers' sweepings; paintings or pictures; china or porcelain ware; silk; watches; soap; and various ores and smelter products.

During the period covered by this report 128 applications were received seeking authority to maintain rates dependent upon declared or agreed values, and 101 orders granting such authority were issued.

BUREAU OF LAW.

On October 31, 1919, there were 14 cases involving our orders or requirements pending in the courts, of which 4 have been concluded. During the year 4 cases were instituted, so there are now pending in the different courts 14 cases. Of these 1 is in the Supreme Court, 10 are in the district courts, and 3 are in the Supreme Court of the District of Columbia.

Of the 4 cases finally disposed of during the year 2 were dismissed on motion of the parties, 1 was dropped from the docket because the complainant carriers did not take an appeal from a final decree of the district court within the time allowed by law, and one of the two cases decided by the Supreme Court was dismissed in accordance with that court's order.

Summaries of all the foregoing cases are shown in Appendix B.

CASES DECIDED BY THE SUPREME COURT.

United States at the Relation of Kansas City Southern Railway Company v. *Interstate Commerce Commission*, 252 U. S., 178.

This proceeding was instituted to compel us to receive certain evidence in a case pending before us entitled *In the Matter of the Valuation of the Property of the Kansas City Southern Railway Co. et al.*, which evidence the carrier contended would enable us to determine the "present cost of condemnation and damages or of purchase in excess of * * * present value" of lands used by the carrier for common-carrier purposes.

Paragraph entitled second of section 19a of the interstate commerce act, commonly called the valuation act, approved March 1, 1913, reads:

Such investigation and report shall state in detail and separately from improvements the original cost of all lands, rights of way, and terminals owned or used for the purposes of a common carrier, and ascertained as of the time of dedication to public use, and the present value of the same, and separately the original and present cost of condemnation and damages or of purchase in excess of such original cost or present value.

Subsequent to the passage of the valuation act, namely, on June 9, 1913, the Supreme Court in its decision in *The Minnesota Rate Cases*, 230 U. S., 352, wherein an attempt had been made to determine the present costs of acquisition of common-carrier lands, stated the contentions of the appellants as follows:

It is contended that the valuation was made upon a wrong theory; that it is a speculative estimate of "cost of reproduction"; that it is largely in excess of the market value of adjacent or similarly situated property; that it does not represent the present value, in any true sense, but constitutes a conjecture as to the amount which the railway company would have to pay to acquire its right-of-way yards, and terminals, on an assumption, itself inadmissible, that, while the railroad did not exist, all other conditions with respect to the agricultural and industrial development of the State and the location, population, and activities of towns, villages, and cities were as they are now. (Id., p. 444.)

And in sustaining said contentions the court, among other things, said:

Moreover, it is manifest that an attempt to estimate what would be the actual cost of acquiring the right-of-way, if the railroad were not there, is to indulge in mere speculation. The railroad has long been established; to it have been linked the activities of agriculture, industry, and trade. Communities have long been dependent upon its service, and their growth and development have been conditioned upon the facilities it has provided. The uses of property in the communities which it serves are to a large degree determined by it. The values of property along its line largely depend upon its existence. It is an integral part of the communal life. The assumption of its nonexistence, and at the same time that the values that rest upon it remain unchanged, is impossible and can not be entertained. The conditions of ownership of the property and the amounts which would have to be paid in acquiring the right-

of-way, supposing the railroad to be removed, are wholly beyond reach of any process of rational determination. The cost-of-reproduction method is of service in ascertaining the present value of the plant, when it is reasonably applied and when the cost of reproducing the property may be ascertained with a proper degree of certainty. But it does not justify the acceptance of results which depend upon mere conjecture. * * * (Id., 452.)

Assuming that the company is entitled to a reasonable share in the general prosperity of the communities which it serves, and thus to attribute to its property an increase in value, still the increase so allowed, apart from any improvements it may make, can not properly extend beyond the fair average of the normal market value of land in the vicinity having a similar character. Otherwise we enter the realm of mere conjecture. We therefore hold that it was error to base the estimates of value of the right-of-way, yards, and terminals upon the so-called "railway value" of the property. The company would certainly have no ground of complaint if it were allowed a value for these lands equal to the fair average market value of similar land in the vicinity, without additions by the use of multipliers, or otherwise, to cover hypothetical outlays. * * * (Id., 455.)

In estimating the present value of lands included in the right of way, yards, and terminals of the carrier, we have used as a measure the "fair average market value of land in the vicinity," and relying upon the action taken by the court in the *Minnesota Rate Cases*, we declined to receive evidence relating to the cost of condemnation. In holding that we acted erroneously the court said:

It is obvious from the statement we have made, as well as from the character of the remedy invoked, mandamus, that we are required to decide, not a controversy growing out of duty performed under the statute, but one solely involving an alleged refusal to discharge duties which the statute exacts. Admonishing, as this does, that the issue before us is confined to a consideration of the face of the statute and the nonaction of the Commission in a matter purely ministerial, it serves also to furnish a ready solution of the question to be decided, since it brings out in bold contrast the direct and express command of the statute to the Commission, to act concerning the subject in hand, and the Commission's unequivocal refusal to obey such command.

It is true that the Commission held that its nonaction was caused by the fact that the command of the statute involved a consideration by it of matters "beyond the possibility of rational determination," and called for "inadmissible assumptions," and the indulging in "impossible hypotheses" as to subjects "incapable of rational ascertainment," and that such conclusions were the necessary consequence of the *Minnesota Rate Cases*, 230 U. S. 352.

We are of opinion, however, that, considering the face of the statute and the reasoning of the Commission, it results that the conclusion of the Commission was erroneous, an error which was exclusively caused by a mistaken conception by the Commission of its relation to the subject, resulting in an unconscious disregard on its part of the power of Congress and an unwitting assumption by the Commission of authority which it did not possess. And the significance which the Commission attributed to the ruling in the *Minnesota Rate Cases*, even upon the assumption that its view of the ruling in those cases was not a mistaken one, but illustrates in a different form the disregard of the power of Congress which we have just pointed out, since, as Congress indisputably had the authority to impose upon the Commission the duty in question,

it is impossible to conceive how the *Minnesota Rate* ruling could furnish ground for refusing to carry out the commands of Congress, the cogency of which consideration is none the less manifest though it be borne in mind that the *Minnesota Rate Cases* were decided after the passage of the act in question. (Id. 187–188.)

United States and Interstate Commerce Commission v. *Alaska Steamship Co. et al.*, 253 U. S., 113.

This suit was instituted to annul our order requiring carriers to adopt certain modified bills of lading forms pertaining to domestic and export traffic. A majority of the three judges who heard the case in the District Court for the Southern District of New York held that we did not possess the jurisdiction exercised in making the order, but the Supreme Court, without determining this question of jurisdiction, and for the reason that the case had been rendered moot by the passage of the transportation act, 1920, ordered the petition dismissed without costs to either party and without prejudice to the right of the complainants to assail in the future any order of ours prescribing bills of lading after the enactment of the new legislation. In this connection the court said:

The transportation act of 1920, passed pending this appeal, makes it evident (and it is in fact conceded in the brief filed by the appellants) that changes will be required in both forms of bills of lading in order that they may conform to the requirements of the statute. We need not now discuss the details of these changes. It is sufficient to say that the act requires them as to both classes of bills. We are of opinion that the necessary effect of the enactment of this statute is to make the cause a moot one. In the appellant's brief it is insisted that the power of the Commission to prescribe bills of lading is still existent and has not been modified by the provisions of the new law. But that is only one of the questions in the case. It is true that the determination of it underlies the right of the Commission to prescribe new forms of bills of lading, but it is a settled principle in this court that it will determine only actual matters in controversy essential to the decision of the particular case before it. Where by an act of the parties or a subsequent law the existing controversy has come to an end the case becomes moot and should be treated accordingly. However convenient it might be to have decided the question of the power of the Commission to require the carriers to comply with an order prescribing bills of lading, this court "is not empowered to decide moot questions or abstract propositions or to declare, for the government of future cases, principles or rules of law which can not affect the result as to the thing in issue in the case before it. No stipulation of parties or counsel, whether in the case before the court or in any other case, can enlarge the power or affect the duty of the court in this regard." * * *

In the present case what we have said makes it apparent that the complainants do not now need an injunction to prevent the Commission from putting in force bills of lading in the form prescribed. The subsequent legislation necessitates the adoption of different forms of bills in the event that the power of the Commission be sustained. This legislation having that effect renders the case moot.

BUREAU OF INQUIRY.

Twenty-five indictments were returned for violations of the act to regulate commerce and related acts, and 50 cases were concluded.

Prosecutions instituted and concluded were distributed over the following states: Alabama, California, Georgia, Illinois, Kentucky, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Wisconsin, and Wyoming.

During the period there was a demand for transportation which taxed the facilities of the carriers. These conditions tended to bring about new abuses and irregularities. A practice has grown up on the part of some shippers of bribing operating employees of railroad companies in order to obtain service. This practice is discussed elsewhere and recommendation made that legislation be enacted to reach the evil.

Reference has been made in previous reports to the prosecution of certain lumber dealers for securing service discriminations in violation of the Elkins Act by consigning shipments, which were not intended for Government use, to officers of the Army and Navy and thus obtaining transportation in the face of embargoes. Investigations now under way indicate that a somewhat similar practice has been resorted to by certain coal dealers who have misused our service orders, which granted preferences and priorities in connection with the transportation of coal for use by public utilities, and thus obtained preferences and priorities in connection with the transportation of coal which was not used or intended for use by public utilities. Such violations of the law as may be disclosed by the investigations will be referred to the Department of Justice for appropriate action.

The increased rates now in force seem to have increased the efforts of dishonest shippers to reduce transportation charges by falsely describing their shipments and by filing fraudulent loss and damage claims.

United States v. *Henry T. Averitt*, pending in the District Court, Western District of Tennessee, is of interest in this connection. Defendant was charged with filing a fraudulent claim against a railroad company as agent of the shipper. The indictment did not allege that defendant delivered the shipment to the carrier for transportation or that he was consignor or consignee of the shipment. A demurrer was interposed upon the theory that a person who acts as agent for the shipper only in filing a false claim, and who has had no connection with the shipment until after its consummation, is not amenable to paragraph (3), section 10 of the act, the pertinent language of which reads:

Any person, corporation, or company, or any agent or officer thereof, who shall deliver property for transportation to any common carrier subject to the provisions of this act, or for whom, as consignor or consignee, any such carrier shall transport property, * * * who shall knowingly and willfully, directly or indirectly, himself or by employee, agent, officer, or otherwise, by false statement or representation as to cost, value, nature or extent of injury, * * * obtain * * * payment for damage or otherwise in connection with or growing out of the transportation of * * * such property, * * * shall be deemed guilty of fraud, * * *.

The court overruled the demurrer and stated:

On reading the statute one is impressed with its comprehensiveness, and not until resort is had to grammatical superrefinement is the thought ever suggested that an agent such as we have in this case was not within the plain terms of the law. * * *.

The court is of opinion * * * that it makes no difference whether the agent or officer who files the claim was also the person (*a*) who delivered the property to the carrier for transportation, or (*b*) for whom, as consignor or consignee, the carrier transported the property; and that it is sufficient that the person who files the claim * * * in doing so * * * files it in behalf of the consignor or consignee.

This decision is important because it dispels any doubt that claim agencies, which have no relation to the shipment of property but which file fraudulent claims on behalf of shippers, are indictable under section 10.

Several indictments were returned in the United States District Court for the Eastern District of Oklahoma, alleging that shipments of gasoline were transported on the unrefined naphtha rates, which were substantially lower than the gasoline rates. One of these indictments charges the Gypsy Oil Co., the consignor, with defeating the legal rates by misdescribing shipments of gasoline as "unrefined naphtha." Others of the indictments charge the St. Louis-San Francisco Railroad Co. and the Atchison, Topeka & Santa Fe Railway Co. with willfully suffering and permitting the transportation of shipments of gasoline for the Gulf Refining Co. on less than the legal rates by misbilling such shipments as "unrefined naphtha." Still others of the indictments charge the Kansas City Southern Railway Co., the Midland Valley Railroad Co., the St. Louis-San Francisco Railroad Co., and the Texarkana & Fort Smith Railway Co. with granting concessions to the Gulf Refining Co., and charge the Gulf Refining Co. with receiving concessions with respect to shipments of gasoline which were transported on the unrefined naphtha rates.

The indictment against the Gulf Refining Co. was tried and a verdict of guilty on 99 counts was rendered. Judgment has not been entered.

In the United States District Court for the Southern District of California indictments were returned charging the General Pe-

troleum Corporation, the consignor, with securing transportation of shipments of gasoline on less than the legal rates by misdescribing the shipments as "petroleum gas oil," in violation of section 10 of the act, and also charging the Utah Oil Refining Co., the consignee, with receiving concessions with respect to these shipments in violation of the Elkins Act.

United States v. *Goodrich Transit Co.*, concluded during this year in the United States District Court for the Northern District of Illinois, is the first case in which proceedings have been undertaken to recover a penalty for violation of our tariff regulations which forbid carriers, after we have suspended the operation of a schedule and deferred the use of rates stated therein, to publish a different schedule carrying new rates higher than the rates continued in force temporarily by our suspension order. The Goodrich Transit Co. published concurrently two tariffs carrying the same class rates. By a reissue of one of these tariffs it sought to increase the class rates. Upon protest we suspended this reissue and ordered that the use of the increased rates be deferred. While the suspension order was in force the Goodrich Transit Co. published increased class rates in a reissue of the other tariff and applied them to the transportation of property. Defendant confessed judgment.

BUREAU OF SERVICE.

We have dealt elsewhere in this report with the transportation and operating conditions as they existed in the past and have outlined the steps taken by us and by the carriers to meet those conditions. The orders were issued by us under our powers to take care of particular emergencies. The acute stage of emergency has now passed and the movement of all traffic may be considered to be approaching a normal state. But in order to aid in preventing a recurrence of conditions such as existed in the recent past, we must keep in constant and close touch with operating and transportation conditions throughout the country.

This bureau was organized in April, 1920. Its activities have been directed chiefly to the execution of duties imposed upon us by paragraphs (10) and (17) of section 1 of the interstate commerce act. Special emphasis has been placed upon the present need for increased car mileage, heavier car loading, decreased percentage of bad-order cars, and the bureau is constantly directing its efforts toward the promotion of operating efficiency on all railroads subject to our jurisdiction. It keeps in close contact with the car service division of the American Railroad Association, acting on behalf of the carriers, and with the carriers themselves. Numerous informal complaints and inquiries have received attention, and, wherever possible,

differences have been composed. The volume of complaints and inquiries is substantial. Numerous conferences have been held by the director and his assistants with shippers and carriers in the endeavor to correct erroneous practices, and effected a better understanding between the carriers in their relation to the public.

As heretofore pointed out, it was found necessary in May, 1920, because of the congestion of traffic and car shortage, to establish terminal committees at important gateways and terminals which kept us advised as to transportation and operating conditions, and especially as to congestions at the terminals. These committees acted in an advisory capacity and cooperated with similar committees appointed by the railroads. In order that we may be kept in close touch with the transportation problems as they arise from day to day, the Civil Service Commission has, at our request, held an examination to establish a register of eligibles from which we expect to appoint competent service agents. Each appointee will be assigned to a particular territory and will serve as chairman of a terminal committee created by us at important points and will have executive charge of the functioning of all such committees. He will be expected to have full knowledge of service conditions within his territory at all times and to keep us advised relative thereto and make recommendations as to the exercise of our mandatory powers, and, when so authorized, to give directions to carriers as to car service.

BRIBERY OF RAILROAD EMPLOYEES.

As a result of the inadequacy of the car supply and of railroad transportation facilities generally during the past year, a practice has grown up among shippers of bribing operating employees of railroad companies in order to obtain transportation services. The demoralizing effects of this practice are far reaching. Bribery of this character in many instances can not be directly and effectively reached under existing laws. It is, therefore, recommended that the interstate commerce act be amended to provide for the punishment of any person offering or giving to an employee of a carrier subject to the act any money or thing of value with intent to influence his action or decision with respect to car service as defined in the act, or because of such action or decision; and to provide also for the punishment of the guilty employee.

BUREAU OF SAFETY.

A more detailed report of the work of the bureau of safety is published as a separate document.

SUMMARY OF CASUALTIES.

The casualties on steam railroads in connection with the operation of trains during the calendar year 1919 are summarized as follows:

Class of persons.	Number of persons—	
	Killed.	Injured.
Trespassers	2,553	2,658
Employees	1,759	36,601
Passengers	273	7,455
Persons carried under contract, such as mail clerks, Pullman conductors, etc	28	691
Other nontrespassers	1,882	5,195
Total of above classes	6,495	52,601

In addition there were 483 persons killed and 96,452 injured in nontrain accidents during the year, in comparison with 589 killed and 110,431 injured during the previous year.

During the calendar year 1919 there were 108 employees killed and 1,975 injured in coupling or uncoupling locomotives or cars, as compared with 164 killed and 2,332 injured during 1918. Casualties to employees in 1919, due to coming in contact with fixed structures, resulted in 56 deaths and 1,009 injuries, the corresponding figures for 1918 being 83 and 1,367. In 1919 there were 97 employees killed and 6,219 injured in getting on or off cars or locomotives.

SAFETY-APPLIANCE LAW.

During the fiscal year 1920, 64 cases of violation of safety-appliance laws, involving 211 counts, were transmitted to United States attorneys for prosecution; cases involving 84 counts were confessed and 15 counts were dismissed; 7 counts were tried, resulting in judgment for the Government as to 2 counts and in a new trial being granted as to 5 counts, which were decided adversely to the Government.

One case of two counts, involving transfer movements without the required minimum percentage of power brakes in operative condition, is pending argument in the Supreme Court of the United States.

The Circuit Court of Appeals for the Fifth Circuit affirmed the district court in a case involving four counts where judgment was had against the carrier for operating transfer trains without the required minimum percentage of power brakes in operative condition.

On July 1, 1920, there were pending in the various district courts 140 cases, involving 337 counts.

During the eight months of Federal control of railroads in the past fiscal year there were 664 instances of violations of the law by carriers under Federal control transmitted to the director general for correction in accordance with the provisions of his order No. 8

instead of evidence of such violations being filed with United States district attorneys for prosecution.

It was pointed out in the report last year that situations exist in various parts of the country where hand brakes are being used to control the speed of trains; there has been some improvement in respect to this practice, but full compliance with the law has not yet been secured. Steps have, however, been taken to obtain evidence upon which prosecutions will be based, and these measures will be continued until strict observance of the law results.

JUDICIAL INTERPRETATIONS OF THE SAFETY-APPLIANCE LAW.

The Supreme Court of the United States, in *The Pennsylvania Railroad Co.* v. *The Public Service Commission of the Commonwealth of Pennsylvania et al.*, 250 U. S., 566, a case involving a Pennsylvania state statute requiring the rear end of the last car of a train to be equipped with a platform 30 inches in width, with guard rails and steps, on November 10, 1919, held that when the United States has exercised its exclusive powers over interstate commerce so far as to take possession of the field the states no more can supplement its requirements than they can annul them; that the safety-appliance act with its requirements for the safety of the men was followed by most elaborate regulations issued by us in our order of March 13, 1911, which recognizes the lawfulness of an end car such as the Pennsylvania statute forbids; that regulation by the paramount authority has gone so far that the statute of Pennsylvania can not impose the additional obligation in issue; and that we are continually on the alert, and if the Pennsylvania law represents a real necessity steps to meet the need will be taken or recommended.

The Circuit Court of Appeals for the Fifth Circuit, in *Galveston, Houston & Henderson R. R. Co.* v. *United States*, 265 Fed., 266, on April 24, 1920, held that it was not error to refuse to admit in evidence testimony tending to show that in the opinion of the witnesses it was safer for the trainmen to handle the trains with the air brakes uncoupled, that it would occasion the railroad great inconvenience and delay to comply with the law, and to exclude printed copies of railroad rules tending to show that the movements of cars in question were interpreted by the carrier to be switching movements not covered by the law and not requiring the air brakes to be coupled. This was the second time this case was before the court, the first decision being reported in 255 Fed., 755. The case involved the movement in the Galveston yards of four cuts of cars not having the air brakes under control from the engine.

The Circuit Court of Appeals for the Second Circuit, in *Director General of Railroads* v. *Ronald*, 265 Fed., 138, on March 19, 1920, held that an employee who was injured while in the act of dropping

from the platform of a caboose as the train approached a water plug, by reason of a vertical handhold or grab-iron on the side of the caboose pulling out at the lower end, it having been fastened by a lag screw or screw bolt, throwing him on his face, is entitled to recover under the employers' liability law, and that the negligence of the railroad company is ipso facto established by the fact that the handhold or grab-iron was not fastened in accordance with our order of March 13, 1911.

The carrier contended that the grab-iron in question was not one within section 4 of the safety appliance act, "in the ends and sides of each car for greater security to men in coupling and uncoupling cars," and, therefore, that we had no authority to regulate it. The court held that it was not necessary that the employee should be injured while coupling or uncoupling, but that if the grab-iron could be used in getting to the point where the cars were to be coupled or uncoupled, it would be within the section. The clear intent of Congress to permit us to make orders with reference to grab-irons or handholds, and require that they be securely fastened, is evidenced by the original act and the several supplemental acts. It would be a strange construction to say that Congress intended that valid orders of ours would be dependent entirely upon the future use of the grab-irons by the particular employee at the time when misfortune overcame him. No commission or body could anticipate when or under what circumstances grab-irons or handholds would be used for coupling or uncoupling. The necessity of stepping upon or alighting from cars by railroad employees makes certain the need of having grab-irons or handholds securely fastened.

HOURS-OF-SERVICE LAW.

During the fiscal year four cases of violation of the hours-of-service act, involving 16 counts, were transmitted to United States attorneys for prosecution; cases involving 271 counts were confessed and 39 counts dismissed; 108 counts were tried, of which 11 counts are pending decision in district courts; in 75 counts judgment was had in favor of the Government, including 30 counts which were tried previous to July 1, 1919; 52 counts were decided adversely to the Government, in 7 of which a new trial was granted; and 33 counts were appealed by the Government.

At the close of the fiscal year there were 68 counts pending on appeal, of which 15 counts were appealed prior to July 1, 1919.

In one case appealed by a carrier the judgment was affirmed by the Circuit Court of Appeals for the Third Circuit; and in another case appealed by the Government the Circuit Court of Appeals for the Fifth Circuit reversed the district court.

On July 1, 1920, there were pending in the various district courts 37 cases, involving 270 counts.

Reports of 106 violations of the law were transmitted to the director general; these violations occurred prior to March 1, 1920, on the roads which were being operated under Federal control.

JUDICIAL INTERPRETATIONS OF THE HOURS-OF-SERVICE LAW.

The Circuit Court of Appeals for the Fifth Circuit, in *United States* v. *Atlanta Terminal Co.*, 260 Fed., 779, on October 15, 1919, held that a terminal company organized as a railroad corporation, although it owns no cars or engines and employs no trainmen or engineers, but which has railroad tracks, a station, switches, a telegraph office, and signal towers, and employs a station master, signal-tower men, car inspectors, telegraph operators, ticket sellers, and baggage checkers and handlers, and through its own employees directs and controls movements of trains and cars of the various carriers using the terminal while within the limits thereof, is a common carrier engaged in the transportation of passengers or property by railroad within the meaning of the hours-of-service act.

The Circuit Court of Appeals for the Third Circuit, in *The Pennsylvania R. R. Co.* v. *United States*, 265 Fed., 609, on May 24, 1920, held that an employee, who during part of the period of service was engaged in riding on and controlling, by means of hand brakes, cars which were backed over an elevation in a classification yard, called a "hump," and which were then shifted by gravity to the various tracks where it was intended that they should go to become parts of solid trains, and during the remainder of his service was engaged as a brakeman in connection with an engine which was used in moving cars in and about the yard for the purpose of making up trains, for the purpose of getting cars to points in the yard where they could be iced, and to places where they could be repaired, was engaged in or connected with the movement of a train within the meaning of the law, although there was no main-line movement in the sense that the train was made up and moved over main-line tracks as distinguished from yard tracks.

The District Court for the District of Nebraska, in *United States* v. *Chicago & North Western Ry. Co.*, unreported, on October 27, 1919, held that a train crew indefinitely released until such time as a pump repairman, arriving on a certain train, should have a pump repaired and water provided for the engine, a total of more than two hours, was on duty within the meaning of the law during such period.

The District Court for the Southern District of Texas, in *United States* v. *James A. Baker, Receiver of the International & Great Northern Railway*, 261 Fed., 703, on November 10, 1919, held that a

telegraph office which was open from 7 a. m. to 6 p. m., and an office of another carrier about 850 feet distant, which office, by contract between the two companies, handled all train orders issued by the defendant carrier from 6 p. m. to 6 a. m., was an office or place continuously operated night and day and the services of operators thereat were limited to nine hours.

The District Court for the District of Massachusetts, in *United States* v. *New York, New Haven & Hartford R. R. Co.*, unreported, on June 29, 1920, held that an operator whose assigned hours were from 4 p. m. to 1 a. m. at an office continuously operated who received three release periods each day varying from 1 hour and 8 minutes to 2 hours and 30 minutes each, between the hours of 7.20 p. m. and 3.20 a. m., each release period being for a definite length of time, was not on duty within the meaning of the law during such release period.

The District Court for the District of Massachusetts, in *United States* v. *Boston & Maine R. R.*, 265 Fed., 800, on March 20, 1920, held that offices at which operators were on duty from 5.45 a. m. to 9 p. m., and from 6 a. m. to 9 p. m., respectively, were not "continuously operated night and day," but came within the class "operated only during the daytime."

These two latter cases have been appealed and are now pending before the Circuit Court of Appeals for the First Circuit.

The District Court for the Western District of Pennsylvania, in *United States* v. *I. W. Geer et al., officers and agents of the Pittsburgh, Cincinnati, Chicago & St. Louis Railway*, unreported, on September 8, 1920, held that the Pittsburgh, Cincinnati, Chicago & St. Louis Railway Co. during the period of Federal control retained its corporate entity and as such continued its operation by railroad in the capacity of a common carrier and was subject to the requirements of the Federal hours-of-service law; that the defendants as officers and agents of a common carrier under Federal control were officers and agents within the meaning of those expressions as used in the Federal hours-of-service law, which prohibits any common carrier, its "officers or agents," from requiring or permitting any employee subject to the act to remain on duty in excess of the time limitation therein provided; that during the period of Federal control of railroads the Government did not thereby become a common carrier, but only exercised control over the carriers within such control to the end that such systems should be utilized for the transportation of troops, war material, and equipment to the exclusion, so far as necessary, of all other traffic; that during the period of Federal control the hours-of-service law was not suspended or repealed, and to prevent any harmful construction of the act to the contrary, section 10 of the Federal control act provided that carriers while under Federal control should be subject to the former act, except in so far as in-

consistent with the latter act or any other act applicable to Federal control, or with any order of the President; that excuses by carriers intended to justify service in excess of the statutory limitation are separate and affirmative defenses which must be specially pleaded and established; that a delay to a train by an unavoidable accident is not a license to the carrier, for any officer or agent, to keep the crew of such train on duty over 16 hours, but to excuse such service a causal connection between the unavoidable accidents and the excess service must be shown by the defendants and that they made at least some effort to avoid excess service; that an officer or agent of a carrier requires and permits excess service within the meaning of the hours-of-service law whenever he fails to prohibit such service; and that under all the facts and circumstances involved, the defendants were jointly and severally liable for requiring and permitting the excess service of the train crew made the basis of the action.

INVESTIGATION OF ACCIDENTS.

During the year ended June 30, 1920, we investigated 90 train accidents, which included 58 collisions and 32 derailments. The collisions resulted in 179 deaths and 1,158 injuries, and the derailments resulted in 60 deaths and 481 injuries, a total of 239 persons killed and 1,639 persons injured.

Thirty-one of the collisions investigated occurred on lines operated by the block system; 20 occurred on lines operated by the time-table and train-order system; and 7 were yard accidents.

Of the 31 collisions investigated in block-signal territory, 20 occurred on lines equipped with automatic block signals, of which 14 were rear-end collisions, 5 were head-end collisions, and 1 was a side collision.

Of the 20 collisions occurring in automatic block-signal territory, 16 were due directly or indirectly to the failure of enginemen properly to observe and obey signal indications; 1 was caused by a dispatcher authorizing a movement against the current of traffic without knowing whether opposing trains were being held and by a yard clerk allowing an opposing train to proceed; 1 was due to a closed angle cock on the rear of the tender; 1 to the failure of a conductor to see that a sufficient number of hand brakes were set to hold the portion of his train left standing on a mountain grade; and 1 to the air brakes not being in proper working order, adequate inspection and test not having been made before leaving the terminal.

Of the 16 collisions investigated in automatic block-signal territory in which enginemen were involved either directly or indirectly, 10 were due to failure of enginemen to observe or obey stop signals, all of which might have been prevented by an adequate automatic train-control system. In four of the other cases the enginemen failed to

operate their trains with proper caution after entering occupied blocks, in accordance with the rules; in one case the train should have been flagged through a block, and in the other instance the engineman at fault was operating his train against the current of traffic.

The 11 collisions in nonautomatic block-signal territory consisted of 6 rear-end and 5 head-end collisions. Five of these accidents were due to the failure of enginemen to operate their trains under proper control in occupied blocks. Enginemen were also primarily responsible in three other instances, one for failure to approach the end of double track prepared to stop, one for failure to obey the written instructions held by a flagman, and one for failure to have his train under proper control and to observe a train order which stated that the track was blocked. One of these collisions was due to the failure of a flagman properly to protect his train, one to a train being authorized to proceed against the current of traffic without utilizing the safeguards provided by rule, and one to the failure of a dispatcher to deliver to one of the trains an order which changed a meeting point, resulting in a lap order, the latter being a head-end collision, and the block system on this line applied only to trains operated in the same direction.

The yard collisions consisted of three rear-end, two head-end, and two side collisions. Five of these accidents were due primarily to the failure of enginemen properly to control the speed of their trains, one to the failure of the crew of a switch engine properly to protect the movement of their engine over a street car crossing, and one to the failure of a switch tender to hold an engine until the proper signal for its movement had been given by another switch tender.

The 20 collisions occurring on lines operated under the time-table and train-order system consisted of 6 rear-end collisions, 13 head-end collisions, and 1 side collision. Errors in handling or failure to obey train orders were responsible for 8 of the head-end collisions; train service employees were at fault for 7 of these collisions, while the other was due to the failure of an operator to deliver a train order to one of the trains, resulting in a lap order, and of the dispatcher to observe a rule governing the issuance of meet orders. Two accidents were due to the failure of flagmen properly to protect their trains, one to a misunderstanding of instructions resulting in a brakeman failing to protect by flag, and one to the failure of a flagman to exercise good judgment in providing protection for his train when running at reduced speed in a dense fog. In the last mentioned case the flagging rule did not require protection under these circumstances. Three collisions were due to the failure of enginemen to operate their trains with proper caution, resulting in rear-end collisions, one to the crew of a freight train overlooking an opposing passenger train, one to the failure of a crew to acquaint themselves

with the time-table, one to failure to remain on a siding until the second section of an opposing train arrived, one to work train occupying the main track beyond its working limits, and one to the failure of an engineman to bring his train to a stop before passing over a crossing at grade.

Track conditions were involved in 15 of the 32 derailments. Four derailments were due to broken rails and four to open switches, three of which were opened with malicious intent. One derailment was due to a defective switch, one to insufficient ballast, one to excessive speed in view of existing superelevation, one either to an obstruction or excessive speed in view of existing superelevation, and three to a combination of track and equipment defects. Of the remaining 17 derailments, 8 were due to defects of equipment, 3 to obstructions, 2 to excessive speed, 1 to running off a derail, and 1 to the failure of an engineman to note an open drawbridge, while the causes of 2 derailments were not ascertained.

Reports upon accidents investigated are summarized and published quarterly.

BLOCK SIGNAL STATISTICS.

As shown by the block-signal bulletin for January 1, 1920, the total length of railroad in the United States operated by the block system on January 1, 1920, was 101,884.2 miles, of which 37,968.8 miles were equipped with automatic block signals and 63,915.4 miles with the nonautomatic block system. Comparing these figures with those for the preceding year, there was an increase of 979.4 miles equipped with automatic block signals and an increase of 1,007.1 miles in nonautomatic block-signal mileage, the total increase in block-signal mileage being 1,986.5 miles.

INVESTIGATION OF SAFETY DEVICES.

Under authority of the act of October 22, 1913, tests have been conducted of an automatic train-control device, a train signal system, and an automatic train-pipe connector. The results of these tests are stated in the report of the chief of the bureau of safety, published separately.

During the fiscal year plans of 65 devices were examined and opinions thereon transmitted to the proprietors.

BUREAU OF LOCOMOTIVE INSPECTION.

The work of this bureau during the fiscal year ended June 30, 1920, is shown in detail in the report of the chief inspector, published separately.

The tables below are self-explanatory:

LOCOMOTIVES INSPECTED, NUMBER FOUND DEFECTIVE, PERCENTAGE INSPECTED FOUND DEFECTIVE, NUMBER ORDERED OUT OF SERVICE, AND TOTAL DEFECTS FOUND DURING THE FISCAL YEAR 1920 COMPARED WITH PREVIOUS YEARS.

	1920	1919	1918	1917
Number of locomotives inspected	49,471	59,772	41,611	47,542
Number found defective	25,529	34,557	22,196	25,909
Percentage found defective	52	58	53	54.5
Number ordered out of service	3,774	4,433	2,125	3,294
Total defects found	95,066	135,300	78,277	84,833

NUMBER OF ACCIDENTS REPORTED AND INVESTIGATED, COVERING FAILURES OF ALL PARTS AND APPURTENANCES OF THE ENTIRE LOCOMOTIVE AND TENDER, AND NUMBER KILLED AND NUMBER INJURED THEREIN, FOR THE FISCAL YEAR 1920, COMPARED WITH PREVIOUS YEARS.

	1920	1919	1918	1917
Number of accidents	843	565	641	616
Decrease from previous year—per cent	[1] 49.2	11.8	[1] 4.1	.....
Number killed	66	57	46	62
Decrease from previous year—per cent	[1] 15.8	[1] 23.9	25.8	.....
Number injured	916	647	756	721
Decrease from previous year—per cent	[1] 41.6	14.4	[1] 4.8	.....

[1] Increase.

NUMBER OF ACCIDENTS, WITH NUMBER OF PERSONS KILLED AND NUMBER INJURED THEREIN, DUE TO THE FAILURE OF SOME PART OR APPURTENANCE OF THE LOCOMOTIVE BOILER ONLY, REPORTED BY THE CARRIERS IN 1920, WITH THE PERCENTAGES OF INCREASE OR DECREASE, IN COMPARISON WITH SIMILAR STATISTICS FOR THE FISCAL YEARS ENDED JUNE 30, 1919, 1913, AND 1912.

	1920	1919	1913 [1]	1912 [1]
Number of accidents	439	341	820	856
Increase 1920 over 1919—per cent	28.8	.....	.....	.....
Decrease 1920 from 1913—do	46.5	.....	.....	.....
Decrease 1920 from 1912—do	48.7	.....	.....	.....
Number killed	48	45	36	91
Increase 1920 over 1919—per cent	6.7	.....	.....	.....
Increase 1920 over 1913—do	33.3	.....	.....	.....
Decrease 1920 from 1912—do	47.2	.....	.....	.....
Number injured	503	413	911	1,005
Increase 1920 over 1919—per cent	21.8	.....	.....	.....
Decrease 1920 from 1913—do	44.8	.....	.....	.....
Decrease 1920 from 1912—do	49.9	.....	.....	.....

[1] First two years of operation of boiler-inspection law.

NUMBER OF DERAILMENTS DUE TO DEFECTS IN OR FAILURE OF PARTS OF THE LOCOMOTIVE OR TENDER, REPORTED AND INVESTIGATED DURING 1920, AND NUMBER OF PERSONS KILLED AND INJURED AS A RESULT, COMPARED WITH PREVIOUS YEARS.

	1920	1919	1918	1917
Number of derailments [1]	7	7	2	4
Number killed	7	6	.....	1
Number injured	18	7	2	21

[1] Only derailments reported as being caused by defects or failure of parts of the locomotive or tender have been investigated.

NUMBER OF PERSONS KILLED AND INJURED BY FAILURE OF LOCOMOTIVES OR TENDERS, OR SOME PART OR APPURTENANCE THEREOF, DURING THE FOUR YEARS ENDED JUNE 30, 1917–1920, CLASSIFIED ACCORDING TO OCCUPATIONS.

	Year ended June 30—							
	1920		1919		1918		1917	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Members of train crews:								
Engineers	16	272	14	194	11	245	16	230
Firemen	20	404	22	265	19	306	21	304
Brakemen	9	77	11	82	6	62	13	60
Conductors	2	19	2	16	.....	21	3	14
Switchmen	4	19	1	7	2	8	1	8
Roundhouse and shop employees:								
Boilermakers	2	9	1	9	.....	11	.....	11
Machinists	1	20	.....	5	.....	11	.....	8
Foremen	.....	3	.....	3	1	4	.....	1
Inspectors	.....	1	.....	6	4	4	.....	3
Watchmen	4	3	.....	2	.....	3	.....	5
Boiler washers	.....	13	.....	7	1	4	.....	7
Hostlers	.....	13	.....	6	.....	8	.....	6
Other roundhouse and shop employees	3	30	1	11	2	19	2	19
Other employees	4	26	3	23	.....	26	5	22
Nonemployees	1	7	2	11	.....	24	1	23
Total	66	916	57	647	46	756	62	721

All accidents reported to this bureau were carefully investigated and reports rendered. Copies of such reports were furnished upon request.

The summary of all accidents and casualties occurring during the fiscal year ended June 30, 1920, covering failures of the entire locomotive and tender and all of their parts and appurtenances, as compared with the year ended June 30, 1919, shows an increase of 49 per cent in the number of accidents, an increase of 16 per cent in the number killed, and an increase of 42 per cent in the number injured. This increase is due almost wholly to disregard for the requirements of the law and rules, as well as of safety of construction and operation. This is especially true with respect to parts sometimes considered unimportant; for example, 26 per cent of the increase in accidents and injuries was due to failure of grate shakers; 10 per cent was due to failure of reversing gear; and 10 per cent to failure of squirt hose.

The summary of all accidents and casualties caused by failure of the boiler and its appurtenances only for the fiscal year ended June 30, 1912, the first year of the existence of the law, as compared with the year ended June 30, 1920, shows a decrease of 47 per cent in the number of accidents, a decrease of 48 per cent in the number killed, and a decrease of 49 per cent in the number injured. These decreases are especially gratifying when considering the greater number of locomotives in service and the increased traffic handled, together with the additional duties imposed on the inspectors by the

amendment to the boiler-inspection law, which extended their duties to cover inspection of the entire locomotive and tender and their parts and appurtenances.

As shown by the table on page 166, derailments due to defects in or failure of parts of the locomotive or tender, have been the direct cause of a number of most serious accidents and loss of life and limb, as well as damage to property, and have shown the necessity for proper inspection and repair of the running gear, driving gear, and brake rigging.

During the year, 258 applications were filed for extension of time for the removal of flues. In 31 of these cases the condition of the locomotives was such that no extension could properly be granted; 25 were in such condition that the full extension requested could not be granted, but an extension for a shorter period was allowed; 10 extensions were granted after defects disclosed by our investigation had been repaired; 37 applications were withdrawn for various reasons; and the remaining 155 were granted for the full period requested.

One thousand six hundred and eighty specification cards and 5,584 alteration reports covering locomotive boilers were filed. These were carefully checked to determine whether the boilers represented were so constructed as to be in safe and proper condition for service, and that the stresses given had been correctly calculated.

The requirements relative to the factor of safety for locomotive boilers, fixed by our order, have resulted in the strengthening of various parts of numerous boilers and a reduction in the working pressure on many of the older and weaker ones.

Close attention was given to the equipping of locomotives with headlights that would meet the requirements of our orders of December 26, 1916, and December 17, 1917, and reports indicate that on July 1, 1920, the date fixed for full compliance with the requirements, practically all locomotives in service were equipped in accordance therewith. These lights are meeting with the hearty approval of employees and, so far as we are able to learn, of the officials, where the locomotives are in operation. They are said to add greatly to the safety, comfort, and economy of operation.

During the period of Federal control the assistant director of operation, United States Railroad Administration, was furnished monthly with a statement showing in detail all defects which constituted violations of the law and rules, found on locomotives operating under the jurisdiction of the Director General of Railroads, and the locomotives ordered out of service as provided in the law. In addition to this, a number of special investigations were made at the request of the Railroad Administration and reports furnished covering conditions found and action taken. In this and in other ways

we cooperated with the Railroad Administration during Federal control to the fullest extent consistent with the purpose of the law. Reports showing defects found on all locomotives ordered out of service, and those found approaching violations of the law and rules, were furnished the chief operating officers of the carriers, so that they might be fully informed of the condition of their locomotives and in other ways we cooperated with the carriers in bringing about safe and proper conditions.

Owing to the number of serious accidents caused by overheated crown sheets, we conducted a series of comprehensive tests to determine the action of water in the boiler and its effect upon the water-indicating appliances, a detailed report of which is included in the report of the chief inspector published separately. The surprising conditions disclosed by this investigation will be of great value in suggesting remedial action to reduce the number of accidents from this cause.

A number of the inspectors were employed in making investigations connected with refrigeration and car congestion.

The act of February 17, 1911, provides that 50 inspectors be appointed, whose duties shall be to make such personal inspections from time to time of locomotive boilers under their care as might be necessary to fully carry out the provisions of the act, so that the locomotives might be employed in moving traffic without unnecessary peril to life or limb. At that time there were approximately 63,000 locomotives in service coming under the jurisdiction of the bureau. Since this law was enacted it has been amended to extend the authority of the bureau to cover inspection of the entire locomotive and tender and all of their appurtenances, and the number of locomotives in service has increased approximately 11 per cent.

With the additional duties of the inspectors, and the increased number of locomotives in service, it is impossible with the present force of inspectors and under the salaries now provided adequately to accomplish the purpose for which the law was enacted.

BUREAU OF VALUATION.

The conditions of employment which were discussed in considerable detail in our thirty-third report to the Congress have grown worse rather than better during the past year. It has been found increasingly difficult to obtain and retain competent men and the compensation has been distinctly greater, the effect being to retard the progress and enhance the cost of our work.

The field work in the southern district has been entirely completed. In all other districts, except the eastern, it has been completed except for some odds and ends which will be cleared up by the end of the

present calendar year. In the eastern district, owing to the much greater complexity of the properties involved, it has not been possible to make corresponding progress. About 1,000 miles of railroad remain to be inventoried and this will require, with the three parties now employed, until June 1, next.

While the progress of our office work has been impeded by the labor conditions above referred to, it has been on the whole fairly satisfactory. It is still hoped that by December 31, 1921, a report will have been completed by every section upon all the major rail systems; that is, systems including 500 miles and more of road. With these reports we will have before us the information from which to establish a value under the valuation act.

The act of March 1, 1913, requires us to report "the present cost of condemnation and damages, or of purchase, in excess of present value" of common carrier lands. This statute was enacted previous to the decision by the Supreme Court of the United States in the so-called *Minnesota Rate Cases*. We held upon the strength of that decision that it was impossible to report intelligently the fact called for, and that if reported it would be of no practical significance. Nothing was therefore done toward ascertaining or reporting this fact.

The Kansas City Southern Railway Co. claimed this to be error and proceedings were brought to compel us to investigate and report as required by the statute. The Supreme Court of the United States sustained this contention in an opinion promulgated March 8, 1920.

The effect of that decision was to prevent the fixing of a final value upon any property, or the service of other tentative valuations, until this figure could be ascertained, and in view of that possibility we suspended the service of tentative valuations pending the decision of the Supreme Court. Before that fact could be reported as to any individual carrier certain basic studies had to be made and certain general information collected. That has been done.

ADVISORY ACTIVITIES.

In our last annual report we referred to several investigations which had been instituted and on which reports had not been made in response to formal requests of the Director General of Railroads under the provisions of section 8 of the Federal control act.

Reports have been made as follows:

Into the charges, rules, and regulations contained in a proposed consolidated tariff known as Perishable Protective Tariff No. 1, applicable for special services in the handling of perishable freight of all kinds between points in the United States. 56 I. C. C., 449.

Concerning the reasonableness of proposed increased class and commodity rates between points in official classification territory and southeastern territory, the southeast and points on or east of the Missouri River. February 10, 1920, letter of advice to the Director General of Railroads.

Into the proposed rates and regulations in connection with the transportation of grain and grain products from northwestern points to destinations east thereof. 56 I. C. C., 133, 689.

Concerning the rates, rules, classifications, and practices applicable to transportation of property in the state of Illinois and such other transportation as may be subject to the Illinois classification. 55 I. C. C., 290; 56 I. C. C., 202, 687.

CERTIFICATION OF THE STANDARD RETURN.

Since the approval of the Federal control act we have certified in tentative form the average annual railway operating income of 585 carriers for the three years ended June 30, 1917, amounting in the aggregate to $945,279,920.51. However, the sum stated does not represent the exact standard return of the carriers taken under Federal control, because it has been necessary to make corrections of these tentative certifications and because it may be determined that some of the carriers whose income was so certified were not taken under Federal control. In this connection it seems appropriate to say that our certifications are not to be construed as having any bearing upon the question of what systems of transportation were or were not taken under Federal control.

As explained in our thirty-second annual report, such tentative certifications are made from the reports of the carriers rendered to us. We have reviewed the accounts of 325 carriers. Of these we have found that 170 of the original or tentative certifications were correct and that the certifications for 155 carriers should be amended so that the amounts certified would reflect the income of those carriers, ascertained in the manner required by our accounting rules.

By corrected certifications we have reduced the standard returns of 94 carriers in amounts aggregating $2,412,631.05, which is equivalent to a reduction of 1.24 per cent of the amount originally certified. The individual decreases ranged from $21.51 to $434,671.45. We have increased the standard returns of 61 carriers in amounts aggregating $1,160,604.10, which is equivalent to an increase of 1.18 per cent of the amount originally certified. The individual increases ranged from $32.55 to $403,061.03. The net reduction amounts to $1,252,026.95. This net reduction is 0.43 per cent of the aggregate of the 155 standard returns we have corrected and 0.37 per cent of the 325 standard returns, the underlying accounts of which we have

reviewed. The details of all certifications made to date are shown in Appendix F.

Under the provisions of the Federal control act our certification of the standard return is conclusive of the amount of the average annual railway operating income. By virtue of the tentative certifications and the right of correction reserved therein the carriers were enabled to enter into the standard form of contract with the Director General of Railroads. There are stipulations in the standard form of contract which provide for conforming the just compensation specified therein to the corrected amounts that we may certify.

The foregoing covers the period beginning on or about the date of the approval of the Federal control act and ended October 31, 1920. During the year covered by this report, we made 18 tentative certifications, 128 corrected certifications, and ascertained that the income certified in 80 tentative certificates was computed in accordance with our accounting regulations. Additional corrected certificates will be issued where warranted by the further examinations now being made.

BOARDS OF REFEREES.

Under the provisions of section 3 of the Federal control act and in response to petitions filed by railroad corporations we have appointed 20 boards of referees, and 1 upon petition filed by the Director General of Railroads, to hear claims for just compensation not adjusted by agreement upon a contract such as is authorized by section 1 of the Federal control act. With a view to reporting to the President the just compensation in each case as soon as practicable, these boards have proceeded promptly.

Reports have been made upon 10 of the claims. During the proceedings in two of the cases the Director General of Railroads and the claimant agreed upon the just compensation, and those two cases were dismissed at the request of both parties. Hearings are being held in the nine cases now before the boards.

Under the provisions of sections 3 and 6 of the Federal control act and in response to petitions filed by railroad corporations we have appointed 48 boards of referees to hear claims for losses by reason of additions, betterments, or road extensions made or constructed during Federal control by the President or by carriers in response to orders of the President, the cost of which was charged to the investment accounts of the railroad corporations. Progress is being made in the settlement of many items in these claims, and in order that the parties may have full opportunity to reduce the number of matters to be submitted to the boards none of these cases thus far has been set for hearing.

These boards have been constituted from our membership and from that of our official force.

RAILWAY MAIL PAY.

In our last annual report to Congress we referred to the proceedings conducted under the authority of the act of Congress of July 28, 1916, 39 Stat., 421, 425, for the purpose of fixing and determining the fair and reasonable rates and compensation for the transportation of mail matter by railroad common carriers and the services connected therewith and to prescribe the method or methods by weight or space, or both, or otherwise, for ascertaining the rate or compensation. A comprehensive statistical inquiry was prosecuted during the period March 27 to April 30, 1917, inclusive, by the Post Office Department and the railroads upon an agreed plan. Thereafter extended hearings were had, briefs were filed and the case orally argued before us on October 6, 1919.

Our decision and order in the case were rendered on December 23, 1919, 56 I. C. C., 1. Our conclusions, briefly stated, are as follows: The space basis system to govern transportation of mails inaugurated by the act referred to found fair and reasonable and its extension to all mail routes required from March 1, 1920; fair and reasonable rates prescribed for the different classes of mail service; initial and terminal allowances required to be discontinued, payment therefor to be included in the line-haul rates; side, terminal, and transfer services when required of the railroads to be paid for separately on ascertainment of the cost of such services; rules prescribed with respect to authorizations designed to simplify and make definite the procedure by the Post Office Department; and short-line railroads considered separately and higher rates prescribed for them than those prescribed generally.

The act of Congress of July 2, 1918, 40 Stat., 742, 748, directed us to fix from time to time the fair and reasonable rates and compensation for the transportation of mail matter by urban and interurban electric railway common carriers and the service connected therewith, and to prescribe the methods for ascertaining such rate or compensation and to publish same; orders so made and published to continue in force until changed by us after due notice and hearing.

A proceeding was instituted by us under which the electrically operated railroads of the country were served with notice and hearings were subsequently held in Washington and at 16 important electric railway centers in different sections of the country. A large amount of evidence was submitted, briefs were filed, the case was orally argued on December 6, 1919, and a decision was reached and order made on August 7, 1920, 58 I. C. C., 455, effective on and after December 6, 1920.

Our conclusions in brief were that the space basis system to govern the transportation of mails by electric railroads is fair and reason-

able; that side, terminal, and transfer services be assumed by the Post Office Department or be paid for by the department on ascertainment of the cost of such services. Fair and reasonable rates were fixed for the different classes of mail service and certain rules prescribed for the conduct of the service.

STANDARD TIME ZONE INVESTIGATION.

The act of Congress of August 20, 1919, 41 Stat. L., 280, repealed section 3, the daylight-saving provision, of the act of Congress approved March 19, 1918, entitled, "An act to save daylight and to provide standard time for the United States." It did not, however, affect the status of the time zone boundaries, as defined by our orders in accordance with the statute, nor our authority to modify such orders, though it has shaped our policy in dealing with requests for modification. Petitions to include in one zone extensive territories properly in the next zone to the west in order to provide for such territories a standard of time faster than the mean solar time of the nearest time-governing meridian, have in two instances, after full hearing, been denied on the ground that in view of the obvious intent of Congress in repealing the daylight savings or advanced-time section of the act, it was not within our discretion to adjust the zone boundaries with the avowed purpose of providing a community with an advanced standard of time. 57 I. C. C., 455, and 59 I. C. C., 249.

REGULATIONS FOR THE TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES.

The act of May 30, 1908, entitled "An act to promote the safe transportation in interstate commerce of explosives and other dangerous articles, and to provide penalties for its violation," required us to formulate regulations for the safe transportation of explosives, such regulations to be binding upon all common carriers engaged in interstate commerce which transport explosives by land. Accordingly, after hearing numerous interested parties, we formulated and published, effective October 15, 1908, regulations for the packing, handling, loading, and transportation of explosives. Reference thereto was made in our twenty-second annual report.

The act of May 30, 1908, was repealed by section 341 of an act entitled "An act to codify, revise, and amend the penal laws of the United States," 35 Stat. L., 1088, 1159, approved March 4, 1909, to become effective January 1, 1910, and was replaced by sections 232 to 236, inclusive, of the latter act. In this act further provision was made for the safe transportation of explosives, and pursuant thereto we

formulated and published new regulations which became effective January 15, 1910. This act requires that—

> Each package containing explosives or other dangerous articles, when presented to a common carrier for shipment, shall have plainly marked on the outside thereof the contents thereof, and it shall be unlawful for any person to deliver, or cause to be delivered, to any common carrier engaged in interstate or foreign commerce by land or water for interstate or foreign transportation, or to carry upon any vessel or vehicle engaged in interstate or foreign transportation, any explosive or other dangerous article under any false or deceptive marking, description, invoice, shipping order, or other declaration, or without informing the agent of such carrier of the true character thereof at or before the time such delivery or carriage is made.

The act does not specifically authorize us to prescribe regulations for the transportation of dangerous articles other than explosives. However, the necessity for such regulations for the proper safeguarding of such articles in the channels of commerce and in order to afford reasonable protection to the public became manifest. Therefore, believing that section 15 of the act to regulate commerce conferred upon us the power to prescribe for the carriers such regulations as were appropriate in the interest of reasonable safety precautions, we formulated and published such regulations, effective October 1, 1911, after public hearing and full consideration of the interests of shippers, carriers, and the general public. We have, from time to time, in the light of experience and after full hearing, made appropriate modifications and extensions of those regulations. Our power to prescribe these regulations and their binding effect upon the carriers has not been challenged. They have been generally observed by shippers, but many accidents and substantial losses have been and are being caused by failure of a comparatively small number of shippers to meet the requirements of the rules.

During the past several years, and more especially during the period of the war, occasion has arisen for the transportation of additional and heretofore unknown dangerous articles. Poisonous gases and liquids, inflammable liquids and solids, corrosive liquids, inflammable gases and other dangerous articles are now used commercially to a much greater extent than before the war, and the necessity for appropriate regulations to govern the transportation of such articles has become more apparent. It is obvious that the importance of appropriate precautions to insure the safe transportation of explosives and other dangerous articles from the standpoint of the carrier and its employees, the shipper, the passenger, and the general public, can hardly be overestimated. Probably in no other field of human endeavor is the importance of reasonable safety measures so apparent and pronounced.

During the year 1907, which immediately preceded the enactment of the act to promote the safe transportation in interstate commerce

of explosives and other dangerous articles, etc., 79 accidents in the transportation of explosives resulted in 52 deaths, 80 personal injuries and a total known property loss of nearly $500,000. During the year 1918 our military program required the production and transportation of more than 2,000,000,000 pounds of military explosives. In addition to this, the normal movement of explosives for commercial use amounted to about 600,000,000 pounds. It is deduced from careful estimates that at all times during the year 1918 there were on the tracks of railroads in the United States not less than 50,000 carloads of explosives of an average weight of 40,000 pounds each. Notwithstanding the tremendous increase in the volume of these explosives transported during that year, the casualties resulting therefrom were only two persons injured and the damage to property was about $33,000.

In the transportation of dangerous articles other than explosives, however, 1,204 accidents occurred during 1918 resulting in 17 persons killed, 86 persons injured, and a known property loss of approximately $1,300,000. The remarkable success in transporting explosives is attributed to the penal provisions of the act of March 4, 1909, and the enforcement thereunder of our regulations governing such transportation. Those regulations, as well as our regulations for the transportation of dangerous articles other than explosives, have been adopted in whole or in part and found of great utility by other Federal departments, municipalities, and lesser political subdivisions, and by England and Canada among foreign countries. It is generally admitted by railroad officials and shippers that in order to secure proper safeguarding of the public in the transportation of dangerous articles other than explosives as strict regulations are necessary under statutory authority as in the case of the transportation of explosives. Such regulations affect primarily a very small proportion of our people who are engaged in the shipment of the commodities concerned, but the safety of many of our people, more especially at populous centers, is placed in jeopardy by the absence of appropriate laws and regulations to govern the transportation of such articles supported by appropriate sanctions. Owing to the absence of any penalty in the law under which our dangerous-article rules are prescribed similar to that now embraced in the transportation of explosives act, the object of those regulations is rendered most difficult if not, in fact, impossible of accomplishment. We believe that the public interest clearly requires the enactment of appropriate legislation definitely directed to the transportation of dangerous articles. We also believe that the act of March 4, 1909, should be amended to include certain explosives not now definitely named in the act; that its provisions should be extended to water lines engaged in interstate commerce, and that our industrial needs point strongly

to the necessity for a modification of the so-called 90-day clause of the present law under which changes in our regulations for the transportation of explosives can be made only upon 90 days' notice. We think that these objects and other necessary modifications and extensions of existing laws may be most readily accomplished by the enactment of a law corresponding in general to the provisions of H. R. 12161, introduced in the House of Representatives on January 30, 1920.

CLAYTON ANTITRUST ACT.

In section 10 of the Clayton Antitrust Act, approved October 15, 1914, it is, among other things, provided:

> That after two years from the approval of this act no common carrier engaged in commerce shall have any dealings in securities, supplies, or other articles of commerce, or shall make or have any contracts for construction or maintenance of any kind to the amount of more than $50,000 in the aggregate in any one year with another corporation, firm, partnership, or association when the said common carrier shall have upon its board of directors or as its president, manager, or as its purchasing or selling officer, or agent in the particular transaction, any person who is at the same time a director, manager, or purchasing or selling officer of, or who has any substantial interest in, such other corporation, firm, partnership, or association, unless and except such purchases shall be made from, or such dealings shall be with, the bidder whose bid is the most favorable to such common carrier, to be ascertained by competitive bidding under regulations to be prescribed by rule or otherwise by the Interstate Commerce Commission.

After making investigations and holding hearings we made the regulations as provided in that section and served them upon all carriers subject to the interstate commerce act and to the Clayton Antitrust Act. The regulations appear in 56 I. C. C., 847.

By joint resolution approved January 12, 1918, the effective date was postponed to January 1, 1919, except as to corporations organized after January 8, 1918, 40 Stat., C. 8, p. 431; and by the transportation act, 1920, the effective date was further postponed to January 1, 1921, except as to corporations organized after January 12, 1918, 41 Stat., c. 91, p. 499.

SUMMARY OF RECOMMENDATIONS.

For the reasons previously stated in this report, we recommend:

1. That provision be made to authorize and require certification and payment of partial amounts under sections 204 and 209 (g) of the transportation act, 1920, and to authorize the making of a reasonable estimate of the net effect of deferred debits and credits to railway operating income, and the use of the resulting amount, when agreed to by the carrier, in making final certification of the guaranty under 209 (g).

2. That section 1 of the interstate commerce act be amended to provide for the punishment of any person offering or giving to an em-

ployee of a carrier subject to the act any money or thing of value with intent to influence his action or decision with respect to car service, and to provide also for the punishment of the guilty employee.

3. That the boiler-inspection act, as amended, be further amended to provide for increases in the number and salaries of inspectors.

4. That appropriate legislation governing the transportation of explosives and other dangerous articles as outlined on pages 77 and 78 of this report be enacted.

For the reasons stated in previous annual reports, we renew our recommendations to the effect:

5. That the power to award reparation be placed wholly in the courts; that a condition precedent to an award of reparation by a court for unreasonable rates or charges be that we have found such rates or charges unreasonable as of a particular time; that the law affirmatively recognize that private damages do not necessarily follow a violation of the act; that provision be made that sections 8, 9, and 16 of the interstate commerce act shall be construed to mean that no person is entitled to reparation except to the extent that he shows he has suffered damage; and that the law should provide that if a rate is found to be unreasonable the rule of damages laid down in the *International Coal Case*, 230 U. S., 184, should control.

6. That the use of steel cars in passenger-train service be required, and that the use in passenger trains of wooden cars between or in front of steel cars be prohibited.

STATEMENT OF APPROPRIATIONS AND EXPENDITURES AND OF PERSONS EMPLOYED BY THE COMMISSION FOR THE FISCAL YEAR ENDED JUNE 30, 1920.

Sundry civil act July 19, 1919:			
For salaries of commissioners	$90,000.00		
For salary of secretary	5,000.00		
		$95,000.00	
Deficiency act, May 8, 1920:			
For salaries of commissioners	11,150.07		
For salary of secretary	854.16		
		12,004.23	
			$107,004.23
Sundry civil act July 19, 1919—For all other authorized expenditures necessary in the execution of laws to regulate commerce:			
General		1,100,000.00	
Deficiency act, Mar. 6, 1920		86,000.00	
Deficiency act, May 8, 1920		125,000.00	
			1,311,000.00
Sundry civil act July 19, 1919—To further enable the Interstate Commerce Commission to enforce compliance with section 20 of the act to regulate commerce as amended by the acts approved June 29, 1906, including the employment of necessary special agents or examiners:			
Examination of accounts		300,000.00	
Deficiency act, May 8, 1920		25,000.00	
			325,000.00

Sundry civil act July 19, 1919—To enable the Interstate Commerce Commission to keep informed regarding compliance with acts to promote the safety of employees and travelers upon railroads, investigation and testing of block-signal and train-control systems, and the investigation of hours of service, including the employment of inspectors		$313,600.00
Sundry civil act July 19, 1919—For the payment of all authorized expenditures under the provisions of the act of Feb. 17, 1911, "To promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto"		288,000.00
Sundry civil act July 19, 1919—To enable the Interstate Commerce Commission to carry out the objects of the act approved Mar. 1, 1913, providing for the valuation of the several classes of property of carriers	$2,500,000.00	
Deficiency act, Mar. 6, 1920	500,000.00	
		3,000,000.00
Sundry civil act July 19, 1919—Increase of compensation, Interstate Commerce Commission		388,067.95
Total		5,732,672.18
Amounts expended under appropriations for the fiscal year ended June 20, 1920:		
As salaries to commissioners and secretary	$91,320.80	
All other authorized expenditures from general appropriation	1,233,330.38	
Examination of accounts, act approved June 29, 1906	284,302.19	
Safety appliance, block signal, and hours of service	310,163.00	
Locomotive inspection	278,453.30	
Valuation	2,956,736.08	
Increase of compensation	388,067.95	
		5,542,373.70
Unexpended balance of appropriations:		
As salaries to commissioners	15,683.43	
All other authorized expenditures from general appropriation	77,669.62	
Examination of accounts	40,697.81	
Safety appliance, block signal, and hours of service	3,437.00	
Locomotive inspection	9,546.70	
Valuation	43,263.92	
		190,298.48
Total		5,732,672.18

A detailed statement showing the names of employees and expenditures for the fiscal year ended June 30, 1920, constitutes Part II of this report.

EDGAR E. CLARK, *Chairman.*
CHARLES C. MCCHORD.
BALTHASAR H. MEYER.
HENRY C. HALL.
WINTHROP M. DANIELS.
CLYDE B. AITCHISON.
ROBERT W. WOOLLEY.
JOSEPH B. EASTMAN.
HENRY J. FORD.
MARK W. POTTER.

APPENDIX A.

INDICTMENTS RETURNED AND CASES CONCLUDED.

Summary of indictments returned between November 1, 1919, and October 31, 1920, inclusive, for violations of the act to regulate commerce and the Elkins act.

Summary of cases arising from violations of the above acts concluded between November 1, 1919, and October 31, 1920, inclusive, and sentences imposed.

SUMMARY OF INDICTMENTS RETURNED BETWEEN NOVEMBER 1, 1919, AND OCTOBER 31, 1920, INCLUSIVE.

United States *v.* Atchison, Topeka & Santa Fe Railway Co., District Court, Eastern Oklahoma, November 22, 1919, indictment charging suffering and permitting false billing; 50 counts.

United States *v.* P. N. Coleman, District Court, Southern Georgia, November 12, 1919, indictment charging accepting and receiving concessions and discriminations; 10 counts.

United States *v.* Edwin L. Conklin, District Court, Minnesota, June 14, 1920, indictment charging unlawful use of interstate pass; one count.

United States *v.* Fred C. Connor, District Court, Wyoming, March 16, 1920, indictment charging unlawful use of interstate pass; one count.

United States *v.* Charles B. Ellis, District Court, Eastern Oklahoma, November 22, 1919, indictment charging accepting and receiving concessions and discriminations; 10 counts.

United States *v.* General Petroleum Corporation, District Court, Southern California, September 10, 1920, indictment charging false billing; 50 counts.

United States *v.* Gulf Refining Co., District Court, Eastern Oklahoma, November 22, 1919, indictment charging accepting and receiving concessions and discriminations; 100 counts.

United States *v.* Gypsy Oil Co., District Court, Eastern Oklahoma, November 22, 1919, indictment charging false billing; 15 counts.

United States *v.* Fred Hecker, District Court, Southern Ohio, June 8, 1920, indictment charging making and uttering, with intent to defraud, false bills of lading; 10 counts.

United States *v.* R. H. Hill, District Court, Oregon, March 22, 1920, indictment charging unlawful use of pass; one count.

United States *v.* William Keefe, District Court, Western New York, January 27, 1920, indictment charging unlawful use of an interstate pass; one count.

United States *v.* Milton G. Levering, District Court, Southern Ohio, June 8, 1920, indictment charging making and uttering with intent to defraud false bills of lading; 4 counts.

United States *v.* Midland Valley Railroad Co., Kansas City Southern Railway Co., and Texarkana & Fort Smith Railway Co., District Court, Eastern Oklahoma, November 22, 1919, indictment charging granting concessions; 25 counts.

United States *v.* I. Mohr, District Court, Eastern Illinois, November 7, 1919, indictment charging filing of false claim; one count.

United States *v.* George C. Perretta, District Court, Northern New York, December 15, 1919, indictment charging filing of false claim; one count.

United States *v.* Puffer Manufacturing Co., District Court, Massachusetts, October 1, 1920, indictment charging the filing of false claims; 7 counts.

United States *v.* Angelo Rubinelli, District Court, Northern Ohio, November 14, 1919, indictment charging filing of false claim; one count.

United States *v.* St. Louis-San Francisco Railroad Co., Kansas City Southern Railway Co., and Texarkana & Fort Smith Railway Co., District Court, Eastern Oklahoma, November 22, 1919, indictment charging granting concessions; 15 counts.

United States *v.* St. Louis-San Francisco Railroad Co., District Court, Eastern Oklahoma, November 22, 1919, indictment charging suffering and permitting false billing; 35 counts.

United States *v.* Charles M. Sands, District Court, Southern Ohio, June 8, 1920, indictment charging furnishing of false reports of weights; 10 counts.

United States *v.* Anna F. Stratton, District Court, Wyoming, March 24, 1920, indictment charging unlawful use of interstate pass; 3 counts.

United States *v.* J. F. Stevens, District Court, Western North Carolina, November 11, 1919, indictment charging making and uttering, with intent to defraud, false bills of lading; 2 counts.

United States *v.* Utah Oil Refining Co., District Court, Southern California, September 10, 1920, indictment charging acceptance of concessions on shipments of gasoline and engine (naphtha) distillate; 60 counts.

United States *v.* George Ward, District Court, Eastern Kentucky, April 6, 1920, indictment charging unlawful use of an interstate pass; one count.

United States *v.* William J. Zeh, District Court, Northern Illinois, January 27, 1920, indictment charging filing of false claim; one count.

SUMMARY OF CASES CONCLUDED IN UNITED STATES DISTRICT COURTS BETWEEN NOVEMBER 1, 1919, AND OCTOBER 31, 1920, INCLUSIVE.

United States *v.* Alabama & Mississippi Railroad Co., District Court, Southern Alabama, indictment charging transportation of property in interstate commerce without charge. May 31, 1920, plea of guilty entered and fine of $1,000 imposed. Indictment returned May 6, 1918.

United States *v.* California Fruit Distributors and Harry W. Adams, District Court, Northern California, indictment charging filing false claims. April 16, 1920, nolle prosequi entered. Indictment returned May 21, 1917.

United States *v.* Carolina, Clinchfield & Ohio Railway Co., District Court, Western North Carolina, indictment charging granting concessions. June 7, 1920, nolle prosequi entered. Indictment returned November 3, 1916.

United States *v.* Chicago & North Western Railway Co., District Court, Northern Illinois, indictment charging granting concessions. March 24, 1920, nolle prosequi entered. Indictment returned January 31, 1914.

United States *v.* Chicago, Burlington & Quincy Railroad Co., District Court, Nebraska, indictment charging granting concessions. December 9, 1919, nolle prosequi entered. Indictment returned November 1, 1912.

United States *v.* Chicago Great Western Railroad Co., District Court, Nebraska, indictment charging granting concessions. December 9, 1919, nolle prosequi entered. Indictment returned November 1, 1912.

United States *v.* Chicago, Rock Island & Pacific Railway Co., District Court, Nebraska, indictment charging granting concessions. December 9, 1919, nolle prosequi entered. Indictment returned November 1, 1912.

United States *v.* Cleveland, Cincinnati, Chicago & St. Louis Railway Co., Chicago, Indiana & Southern Railway Co., and Lake Shore & Michigan Southern Railway Co., District Court, Northern Illinois, indictment charging granting rebates. June 17, 1920, plea of guilty entered and fine of $5,000 imposed to apply in this case and next succeeding case. Indictment returned November 22, 1912.

United States *v.* Cleveland, Cincinnati, Chicago & St. Louis Railway Co., Chicago, Indiana & Southern Railway Co., Lake Shore & Michigan Southern Railway Co., and John Carstensen, District Court, Northern Illinois, indictment charging granting rebates. June 17, 1920, nolle prosequi entered as to defendant Carstensen. Plea of guilty entered by carrier defendants and fine of $5,000 imposed to apply in this case and next preceding case. Indictment returned November 22, 1912.

United States *v.* Clinchfield Coal Corporation, District Court, Western North Carolina, indictment charging accepting concessions. June 7, 1920, nolle prosequi entered. Indictment returned November 3, 1916.

United States *v.* P. N. Coleman, District Court, Southern Georgia, indictment charging accepting concessions and discriminations. May 22, 1920, plea of guilty entered and sentence to pay fine of $4,000 or serve one year and one day in penitentiary imposed. Indictment returned November 12, 1919.

United States *v.* Edwin L. Conklin, District Court, Minnesota, indictment charging unlawful use of an interstate pass. June 14, 1920, plea of guilty entered and fine of $100 imposed. Indictment returned June 14, 1920.

United States *v.* Fred C. Connor, District Court, Wyoming, indictment charging unlawful use of interstate pass. March 16, 1920, plea of guilty entered and fine of $300 imposed. Indictment returned March 16, 1920.

United States *v.* Erie Railroad Co. and William S. Cowie, District Court, New Jersey, indictment charging granting concessions. April 2, 1914, verdict of guilty entered as to defendant Erie Railroad Co. and of acquittal as to defendant Cowie. March 25, 1915, verdict set aside. March 8, 1920, nolle prosequi entered as to defendant Erie Railroad Co. Indictment returned November 24, 1913.

United States *v.* Goodrich Transit Co., District Court, Northern Illinois, civil suit to recover penalty for failure to comply with Commission's order. May 11, 1920, judgment for $300 entered. Declaration filed June 27, 1918.

United States *v.* Gulf Refining Co., District Court, Eastern Oklahoma, indictment charging accepting concessions and discriminations. April 23, 1920, verdict of guilty entered; sentence not yet imposed. Indictment returned November 22, 1919.

United States *v.* Fred Hecker, District Court, Southern Ohio, indictment charging making and uttering, with intent to defraud, false bills of lading. June 16, 1920, plea of guilty entered and sentence to pay fine of $2,000 and to serve 120 days in jail imposed. Indictment returned June 8, 1920.

United States *v.* R. H. Hill, District Court, Oregon, indictment charging unlawful use of interstate pass. May 1, 1920, plea of guilty entered. Sentence to serve 30 days in jail imposed in default of payment of fine of $250. Indictment returned March 22, 1920.

United States *v.* Hocking Valley Railway Co., District Court, Northern Ohio, indictment charging failure to observe tariffs. April 21, 1920, opinion dismissing case. Indictment returned May 18, 1916.

United States *v.* Hocking Valley Railway Co., District Court, Northern Ohio, indictment charging granting concessions. April 21, 1920, opinion dismissing case. Indictment returned May 18, 1916.

United States *v.* Illinois Central Railroad Co., District Court, Northern Illinois, indictment charging failure to observe tariffs. March 1, 1920, nolle prosequi entered. Indictment returned June 21 1910.

United States *v.* Illinois Southern Railway Co., District Court, Eastern Missouri, indictment charging granting concessions. November 18, 1919, plea of guilty entered and fine of $1,000 imposed. Indictment returned May 5, 1917.

United States *v.* William Keefe, District Court, Western New York, indictment charging unlawful use of an interstate pass. February 10, 1920, plea of guilty entered and fine of $10 imposed. Indictment returned January 27, 1920.

United States *v.* Kneeland-McLurg Lumber Co., District Court, Western Wisconsin, indictment charging accepting concessions. September 24, 1920, plea of guilty entered and fine of $1,000 imposed. Indictment returned October 19, 1918.

United States *v.* Lake Shore & Michigan Southern Railway Co.; Cleveland, Cincinnati, Chicago & St. Louis Railway Co.; Chicago, Indiana & Southern Railway Co.; W. C. Brown; John Carstensen, R. M. Huddleston, Thomas J. O'Gara, and William A. Brewerton, District Court, Northern Illinois, indictment charging conspiracy to violate section 6 of the interstate commerce act and conspiracy to violate section 1 of the Elkins act. June 17, 1920, nolle prosequi entered. Indictment returned July 31, 1914.

United States *v.* Lake Shore & Michigan Southern Railway Co.; Cleveland, Cincinnati, Chicago & St. Louis Railway Co.; W. C. Brown, John Carstensen, and R. M. Huddleston, District Court, Northern Illinois, indictment charging granting concessions. June 17, 1920, nolle prosequi entered. Indictment returned July 31, 1914.

United States *v.* Laser Grain Co., District Court, Eastern Missouri, indictment charging filing false claims. February 11, 1916, verdict of guilty entered and fine of $1,000 imposed. March 9, 1918, reversed by circuit court of appeals. September 16, 1920, nolle prosequi entered. Indictment returned April 10, 1915.

United States *v.* Lehigh Valley Railroad Co., District Court, Southern New York, indictment charging failure to observe tariffs. September 20, 1920, plea of nolo contendere entered and fine of $1,500 imposed. Indictment returned October 26, 1917.

United States *v.* Lehigh Valley Railroad Co. and Fred E. Signer, District Court, Southern New York, indictment charging granting concessions. March 8, 1920, verdict of not guilty entered. Indictment returned October 26, 1917.

United States *v.* Lehigh Valley Railroad Co., Fred E. Signer, Charles Schaefer, sr., and Charles Schaefer, jr., District Court, Southern New York, indictment charging conspiracy to violate section 1 of the Elkins act. October, 1918, trial resulting in disagreement by jury. September 20, 1920, nolle prosequi entered. Indictment returned October 26, 1917.

United States *v.* Medford Lumber Co., District Court, Western Wisconsin, indictment charging accepting concessions. September 24, 1920, plea of guilty entered and fine of $1,000 imposed. Indictment returned October 19, 1918.

United States *v.* Mellen Lumber Co., District Court, Western Wisconsin, indictment charging accepting concessions. September 24, 1920, plea of guilty entered and fine of $1,000 imposed. Indictment returned October 19, 1918.

United States *v.* Michigan Central Railroad Co., District Court, Eastern Michigan, indictment charging failure to observe tariffs. November 15, 1919, nolle prosequi entered. Indictment returned June 20, 1913. This was one of a group of indictments against this defendant growing out of similar facts. Trial upon another of these indictments on March 25, 1915, resulted in a verdict of guilty.

United States *v.* Michigan Central Railroad Co., District Court, Eastern Michigan, indictment charging failure to observe tariffs. November 15, 1919, nolle prosequi entered. Indictment returned June 20, 1913. This was one of a group of indictments against this defendant growing out of similar facts. Trial upon another of these indictments on March 25, 1915, resulted in a verdict of guilty.

United States *v.* Michigan Central Railroad Co., District Court, Eastern Michigan, indictment charging granting concessions. November 15, 1919, nolle prosequi entered. Indictment returned June 20, 1913. This was one of a group of indictments against this defendant growing out of similar facts. Trial upon another of these indictments on March 25, 1915, resulted in a verdict of guilty.

United States *v.* Minneapolis, St. Paul & Sault Ste. Marie Railway Co., District Court, Western Wisconsin, indictment charging granting concessions. June 12, 1920, plea of guilty entered and fine of $5,000 imposed. Indictment returned October 21, 1918.

United States *v.* Missouri Pacific Railway Co., District Court, Nebraska, indictment charging granting concessions. December 9, 1919, nolle prosequi entered. Indictment returned November 1, 1912.

United States *v.* I. Mohr, District Court, Eastern Illinois, indictment charging filing false claim. May 25, 1920, plea of guilty entered and fine of $250 imposed. Indictment returned November 7, 1919.

United States *v.* J. S. Owen Lumber Co., District Court, Western Wisconsin, indictment charging accepting concessions. September 24, 1920, plea of guilty entered and fine of $1,000 imposed. Indictment returned October 19, 1918.

United States *v.* Pennsylvania Company and Pittsburgh, Fort Wayne & Chicago Railway Co., District Court, Northern Illinois, indictment charging destruction of records. March 26, 1920, nolle prosequi entered. Indictment returned June 21, 1910.

United States *v.* Pennsylvania Railroad Co., District Court, Northern Ohio, indictment charging failure to observe tariffs. January 19, 1920, plea of guilty entered and fine of $12,500 imposed. Indictment returned October 19, 1916.

United States *v.* Pennsylvania Railroad Co., District Court, Northern Ohio, indictment charging granting concessions. January 19, 1920, plea of guilty entered and fine of $5,000 imposed. Indictment returned October 19, 1916.

United States *v.* George C. Perretta, District Court, Northern New York, indictment charging filing false claim. June 2, 1920, nolle prosequi entered. Indictment returned December 15, 1919.

United States *v.* M. C. Peters Mill Co., District Court, Nebraska, indictment charging accepting concessions. December 9, 1919, nolle prosequi entered. Indictment returned November 1, 1912.

United States *v.* Angelo Rubinelli, District Court, Northern Ohio, indictment charging filing false claim. April 26, 1920, plea of nolo contendere entered and fine of $150 imposed. Indictment returned November 14, 1919.

United States *v.* Charles M. Sands, District Court, Southern Ohio, indictment charging furnishing of false reports of weights. September 2, 1920, plea of guilty entered and fine of $750 imposed. Indictment returned June 8, 1920.

United States *v.* Charles Schaefer, sr., and Charles Schaefer, jr., District Court, Southern New York, indictment charging accepting concessions, September 20, 1920, nolle prosequi entered. Indictment returned October 26, 1917. Indictment arising out of same facts tried during October, 1918, and resulted in a disagreement by the jury. Another indictment arising out of the same facts tried during March, 1920, and resulted in a verdict of not guilty.

United States *v.* Anna F. Stratton, District Court, Wyoming, indictment charging unlawful use of interstate pass. June 3, 1920, plea of guilty entered and fine of $100 imposed. Indictment returned March 24, 1920.

United States *v.* George Ward, District Court, Eastern Kentucky, indictment charging unlawful use of interstate pass. April 6, 1920, plea of guilty entered and sentence of 5 days in jail imposed. Indictment returned April 6, 1920.

United States *v.* William Zeh, District Court, Northern Illinois, indictment charging filing false claim. March 25, 1920, plea of guilty entered and fine of $250 imposed. Indictment returned January 27, 1920.

APPENDIX B.

SUMMARIES SHOWING ACTION TAKEN SINCE THE PERIOD COVERED BY THE LAST ANNUAL REPORT WITH RESPECT TO CASES INVOLVING ORDERS OR REQUIREMENTS OF THE COMMISSION AND STATUS ON OCTOBER 31, 1920, OF CASES PENDING IN THE COURTS.

CASES DECIDED BY THE COURTS SINCE OCTOBER 31, 1919.

SUPREME COURT OF THE UNITED STATES.

United States of America at the relation of Kansas City Southern Railway Company v. *Interstate Commerce Commission of the United States.*

Petition for mandamus to compel the Commission to receive certain evidence in a proceeding pending before it, entitled *In the Matter of the Valuation of the Property of the Kansas City Southern Railway Company et al.*

On June 2, 1919, the Court of Appeals of the District of Columbia affirmed a judgment of the Supreme Court of said District dismissing the carrier's petition, and on June 16, 1919, an appeal was taken to the Supreme Court.

On March 8, 1920, the Supreme Court reversed the decisions of the lower courts and ordered the issuance of the writ of mandamus prayed for.

Alaska Steamship Company et al. v. *United States and Interstate Commerce Commission.*

Suit in equity to annul an order of the Commission prescribing forms of bills of lading to be used upon the lines of all common carriers subject to the act to regulate commerce. 29 I. C. C., 417; 52 I. C. C., 671.

On July 12, 1919, a preliminary injunction restraining enforcement of the order was granted by the District Court for the Southern District of New York, and on August 16, 1919, an appeal was taken to the Supreme Court.

On May 17, 1920, the Supreme Court reversed the decision of the lower court and dismissed the bill without costs and without prejudice to either party upon the ground that by the passage of the transportation act, 1920, the case had been rendered moot.

CASE TREATED AS DISPOSED OF FINALLY.

DISTRICT COURT OF THE UNITED STATES.

Interstate Commerce Commission v. *South Georgia Railway Company,* Southern District of Georgia.

Suit in equity to enjoin issuance to nonexcepted persons of passes stipulated for in deeds to rights of way.

Permanent injunction granted March 1, 1918, and case treated as finally disposed of because appeal not taken within time allowed by law.

CASES DISMISSED IN THE COURTS SINCE OCTOBER 31, 1919.

DISTRICT COURTS OF THE UNITED STATES.

Brown Drug Company et al. v. *United States, Interstate Commerce Commission, et al.,* Northern District of Iowa.

Suit in equity to annul an order of the Commission requiring carriers to desist from charging higher express rates between Sioux City, Iowa, and points in South Dakota than are contemporaneously applied to similar transportation between points in South Dakota. Argued, submitted, and taken under advisement. 39 I. C. C., 703.

On June 30, 1920, the case was dismissed by agreement of the parties.

Interstate Commerce Commission v. *American Express Company et al.,* Northern District of Iowa.

Petition for mandatory decree to compel express companies to comply with an order of the Commission requiring carriers to desist from charging higher express rates between Sioux City, Iowa, and points in South Dakota than are contemporaneously applied to similar transportation between points in South Dakota. 39 I. C. C., 703.

Decree enforcing Commission's order entered. Pending hearing on motion to modify decree.

On July 15, 1920, the case was dismissed without prejudice and without costs to either party.

CASES PENDING IN THE COURTS OCTOBER 31, 1920.

SUPREME COURT OF THE UNITED STATES.

Seaboard Air Line Railway Company et al. v. *United States and Interstate Commerce Commission.*

Suit in equity to annul an order of the Commission requiring carriers to abstain from absorbing switching charges on certain interstate carload freight at Richmond, Va., while refusing to absorb such charges on other like carload shipments transported under similar circumstances and conditions. 30 I. C. C., 552; 44 I. C. C., 455. Pending decision by court.

DISTRICT COURTS OF THE UNITED STATES.

Missouri, Kansas & Texas Railway Company v. *United States, Interstate Commerce Commission et al.*, Northern District of Texas.

Suit in equity to annul an order of the Commission awarding reparation on shipments of cattle from points in Texas and other states to points in Illinois and other states. 30 I. C. C., 721.

St. Louis, Iron Mountain & Southern Railway Co. v. *United States, Interstate Commerce Commission et al.*, Northern District of Texas.

Suit in equity to annul an order of the Commission awarding reparation on shipments of cattle from points in Texas and other states to points in Illinois and other states. 30 I. C. C., 721.

Chicago & Eastern Illinois Railroad Co. v. *United States, Interstate Commerce Commission et al.*, Northern District of Texas.

Suit in equity to annul an order of the Commission awarding reparation on shipments of cattle from points in Texas and other states to points in Illinois and other states. 30 I. C. C., 721.

St. Louis & San Francisco Railroad Company v. *United States, Interstate Commerce Commission et al.*, Northern District of Texas.

Suit in equity to annul an order of the Commission awarding reparation on shipments of cattle from points in Texas and other states to points in Illinois and other states. 30 I. C. C., 721.

Eastern Texas Railroad Company et al. v. *Railroad Commission of Texas et al.*, Western District of Texas.

Suit in equity to enjoin prosecution by Railroad Commission of Texas and others of suits based upon charging by carriers of rates published in compliance with an order entered by the Interstate Commerce Commission in the *Shreveport Case*. United States and Interstate Commerce Commission made parties to suit by amended answer in the nature of a cross bill filed by Railroad Commission of Texas. 41 I. C. C., 83; 43 I. C. C., 45.

Application of the Texas commission for an injunction against order of Interstate Commerce Commission, denied; application of carriers for injunction to restrain the Texas commission from interfering with carriers' compliance with order of Interstate Commerce Commission, granted. Pending final hearing.

City of St. Louis v. *United States and Interstate Commerce Commission*, Eastern District of Missouri.

Suit in equity to annul Commission's order of November 7, 1916, vacating order of May 17, 1916, suspending Illinois Traction tariff covering rates between St. Louis and points in Illinois. 41 I. C. C. 584.

Pending on motion to dismiss filed by Commission.

Chestnut Ridge Railway Company v. *United States and Interstate Commerce Commission*, District of New Jersey.

Suit in equity to annul an order of the Commission vacating orders of December 28, 1915, and January 12, 1916, suspending certain tariffs providing for divisions to Chestnut Ridge Railway Co., an industrial line. New action

following dismissal of similar suit between same parties. 41 I. C. C., 62; 50 I. C. C., 152. Pending final hearing.

State of Nebraska v. *United States of America, Walker D. Hines, Director General of Railroads of the United States, Interstate Commerce Commission, et al.*, Western District of Missouri.

Suit in equity to set aside an order of the Commisslon, in the case of *South St. Joseph Live Stock Exchange* v. *Chicago, Burlington & Quincy Railroad Company and the Director General of Railroads*, and the case of *Kansas City Live Stock Exchange* v. *the same defendants*, requiring the removal of a discrimination which resulted from the granting of free return transportation to caretakers accompanying intrastate shipments of live stock from points on the C., B. & Q. R. R. in Nebraska to Omaha, Nebr., while refusing to grant such transportation in connection with interstate shipments of live stock from the same points of origin to St. Joseph and Kansas City, Mo.

Louisiana & Pine Bluff Railway Company v. *The United States of America and Interstate Commerce Commission*, Western District of Arkansas, Texarkana Division.

Suit in equity to set aside an order of the Commission relating to divisions to be paid to the Louisiana & Pine Bluff Railway Company, a tap line, out of through interstate rates, by the Missouri Pacific and other carriers.

United States of America at the relation of Kansas City Southern Railway Company v. *Interstate Commerce Commission of the United States*. Supreme Court of the District of Columbia.

Petition for mandamus to compel the Commission to receive certain evidence in a proceeding pending before it, entitled *In the Matter of the Valuation of the Property of the Kansas City Southern Railway Company et al.*

On June 2, 1919, the Court of Appeals of the District of Columbia affirmed a judgment of the Supreme Court of said District dismissing the carrier's petition, and on June 16, 1919, an appeal was taken to the Supreme Court.

On March 8, 1920, the Supreme Court reversed the decisions of the lower courts and ordered the issuance of the writ of mandamus as prayed. Pending final disposition.

United States of America at the relation of The Western Union Telegraph Company v. *Interstate Commerce Commission of the United States*, Supreme Court of the District of Columbia.

Petition for mandamus to compel the Commission to change its method of inventorying telegraph property in valuation cases.

May 14, 1920, motion to dismiss the petition and answer of Interstate Commerce Commission filed. June 11, 1920, motion to dismiss argued, submitted, and taken under advisement.

On September 15, 1920, the motion to dismiss was overruled.

Arcadia Coal Company et al. v. *United States and Interstate Commerce Commission et al.*, District Court for the Eastern District of Kentucky.

Suit in equity to annul an order of the Commission, made under the emergency power conferred upon the Commission by paragraph (15) of section 1 of the Interstate Commerce act, authorizing carriers to give priority to public utilities in connection with the distribution of coal cars and the transportation of coal.

United States of America, Ex Rel., Members of The Waste Merchants Association of New York, a Voluntary Corporation, v. *Interstate Commerce Commission*. Supreme Court of the District of Columbia.

Proceeding in mandamus to compel the Commission to award reparation on certain shipments from New York, N. Y., to various points in other States.

Pending decision by court.

APPENDIX C.

STATISTICAL SUMMARIES.

SUMMARY OF STATISTICS FROM PERIODICAL REPORTS OF CARRIERS TO THE COMMISSION.

Railway operating revenues, railway operating expenses, and railway operating income, as defined in the Federal control act, of steam roads in the United States, 1920, 1919, 1918, 1917, and test period, by months.

Roads having annual operating revenues above $1,000,000, including large switching and terminal companies.

Item.	1920	1919	1918	1917	Test period—3 years ending June 30, 1917.
Miles of road operated at close of period		233,991.80	232,561.23	233,103.64	231,831.31
RAILWAY OPERATING REVENUES.					
January	[1]$500,860,649	$397,231,510	$285,359,343	$300,843,745	$258,632,671
February	424,856,496	352,385,229	290,021,416	265,362,397	244,414,639
March	460,547,820	377,383,701	366,369,962	317,149,867	279,610,587
April	401,604,695	389,487,271	371,640,412	319,328,491	277,422,295
May	456,006,543	413,945,449	378,961,675	345,904,288	294,963,913
June	493,775,188	426,089,950	395,200,856	349,669,869	299,728,098
July	528,132,986	455,280,142	470,385,534	348,394,394	272,802,601
August	554,785,872	471,714,375	504,713,093	366,223,601	289,109,878
September		498,762,533	488,135,960	358,798,497	294,013,270
October		509,718,565	489,332,259	382,544,311	302,998,272
November		438,138,834	439,770,981	357,273,626	285,198,843
December		453,288,918	440,100,165	337,099,056	275,165,625
Twelve months		[2] 5,184,230,244	[2] 4,913,319,604	[2] 4,050,463,579	3,374,060,692
RAILWAY OPERATING EXPENSES.					
January	$414,788,982	$361,144,665	$271,521,592	$215,496,356	$187,614,922
February	415,003,037	325,147,641	261,344,313	207,795,297	182,392,343
March	421,713,184	347,877,435	284,211,122	229,028,449	196,036,757
April	401,489,142	344,770,607	281,562,580	227,626,666	194,441,100
May	441,031,310	355,691,811	286,578,422	238,686,946	201,185,014
June	[5]477,963,290	356,407,447	435,385,174	235,581,846	199,622,827
July	[6]511,773,300	358,891,812	318,153,814	237,809,378	182,024,800
August	[7]678,728,681	359,149,534	360,462,142	246,918,741	186,014,943
September		400,171,692	370,604,890	244,316,681	186,355,885
October		405,811,237	383,372,566	260,057,219	192,196,541
November		389,932,434	363,819,093	261,739,178	185,931,450
December		414,615,756	395,034,562	251,302,146	186,836,851
Twelve months		[2] 4,419,988,750	[2]4,006,894,762	[2] 2,858,212,210	2,280,653,433
RAILWAY OPERATING INCOME AS DEFINED IN THE FEDERAL CONTROL ACT.					
January	[1] $64,147,547	$18,442,102	[3] $4,097,117	$67,239,526	$55,516,764
February	[3] 12,217,639	9,788,655	11,877,297	41,691,864	46,581,531
March	14,320,571	10,661,152	62,756,806	70,499,080	67,878,365
April	[3] 29,604,417	26,002,383	71,407,370	74,441,544	67,242,939
May	[3] 13,455,871	39,340,216	73,334,485	92,567,508	77,916,289
June	[3] 16,284,900	52,138,463	[4] 61,274,025	95,119,174	83,607,449
July	[3] 10,427,989	77,229,492	138,523,719	92,599,620	75,761,316
August	[3] 155,267,082	92,508,715	128,155,848	101,386,055	87,792,172
September		77,763,023	99,038,750	94,982,497	92,233,577
October		76,397,213	87,106,126	102,700,478	95,234,353
November		21,966,992	57,123,335	76,764,748	83,818,013
December		12,781,342	28,237,190	64,561,378	72,941,674
Twelve months		[2] 515,793,287	[2] 690,418,778	[2] 974,778,937	906,524,492

[1] Includes approximately $50,000,000 back mail pay.
[2] Includes certain corrections not appearing in monthly figures.
[3] Loss.
[4] Loss. The net operating income for June, 1918, would have been approximately $70,000,000 without deduction for back pay representing wage increases after Dec. 31, 1917.
[5] Includes $25,462,027, back pay under decision No. 2 of the United States Railroad Labor Board.
[6] Includes $39,141,889, back pay under decision No. 2 of the United States Railroad Labor Board.
[7] Includes $79,277,598, back pay under decision No. 2 of the United States Railroad Labor Board.

NOTE.—The miles of road covered by class I roads change somewhat each year, and there are also corrections in the various returns. The figures above given are in each case the latest available. During the test period, equipment and joint facility rents were not distinguished in the monthly returns but have been apportioned to each month by taking one-twelfth of the annual figures.

MONTHLY OPERATING STATISTICS.

Volume of traffic and selected averages, by months, 1920 and 1919.

(ALL LARGE STEAM ROADS.)

Period.	Net ton-miles, revenue and nonrevenue (millions).	Net ton-miles per freight train-mile.	Net ton-miles per loaded car-mile.	Per cent loaded of total car-miles.	Car-miles per car-day.	Net ton-miles per car-day.
January, 1920	34,607	672	28.3	70.8	22.8	457
1919	30,178	653	29.0	66.1	21.4	409
February, 1920	32,562	693	28.3	71.9	22.3	453
1919	25,474	656	27.8	67.4	20.2	378
March, 1920	37,638	725	28.3	72.3	23.8	495
1919	28,813	690	27.7	68.1	20.5	401
April, 1920	28,208	666	28.6	68.4	19.5	379
1919	28,593	705	27.3	68.1	21.1	392
May, 1902	37,569	746	28.3	71.2	24.3	489
1919	32,276	742	27.8	67.4	22.9	428
June, 1920	37,742	758	29.1	69.5	25.0	505
1919	31,881	719	27.8	67.8	23.1	434
July, 1920	40,232	769	29.7	67.7	26.2	526
1919	34,916	761	28.0	68.0	24.1	458
Seven months ended with July:[1]						
1920	248,999	720	28.7	70.3	23.1	465
1919	212,706	710	28.5	67.2	21.3	407

[1]The totals for seven months contain some adjustments not made in the returns as published for the individual months.

ACCIDENTS ON STEAM RAILROADS.

Summary of casualties to persons on steam railroads in the United States for the years ending Dec. 31, 1917, 1918, and 1919.

Class of person.	Number of persons.					
	1919		1918		1917	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
1. Trespassers (including trespassing employees).	2,553	2,658	3,255	2,805	4,243	3,829
2. Employees:						
Trainmen on duty	984	32,844	1,606	42,944	1,492	47,887
Other employees	775	3,757	1,322	4,612	1,289	4,893
Total employees	1,759	36,601	2,928	47,556	2,781	52,780
3. Passengers	273	7,456	471	7,316	301	7,582
4. Persons carried under contract, such as mail clerks, Pullman conductors, etc.	28	691	48	766	42	792
5. Other nontrespassers	1,882	5,195	1,995	5,701	2,200	5,987
Total classes 1 to 5	6,495	52,601	8,697	64,144	9,567	70,970
6. Casualties to persons in nontrain accidents (industrial employees, and other persons)	483	96,452	589	110,431	520	122,835

Highway grade crossing accidents for the years ending Dec. 31, 1917, 1918, and 1919.

(TRESPASSERS AND NONTRESPASSERS.)

Cause of accident.	Train accidents.[1]			Train-service accidents.[2]			Total.		
	Number.	Persons.		Number.	Persons.		Number.	Persons.	
		Killed.	Injured.		Killed.	Injured.		Killed.	Injured.
1919.									
Trains striking or being struck by—									
Pedestrians				673	375	323	673	375	323
Automobiles and trucks	32	2	19	2,539	1,230	3,539	2,571	1,232	3,558
Trolley cars	9	1	5	77	6	265	86	7	270
All other highway vehicles	3			508	168	449	511	168	449
Miscellaneous	3		1	15	2	15	18	2	16
Total	[3] 47	[3] 3	[3] 25	3,812	1,781	4,591	3,859	1,784	4,616
1918.									
Trains striking or being struck by—									
Pedestrians	3	2	1	750	450	325	753	452	326
Automobiles and trucks	102	69	136	2,168	1,062	2,973	2,270	1,131	3,109
Trolley cars	33	15	210	42	13	353	75	28	563
All other highway vehicles	13	14	15	738	227	670	751	241	685
Miscellaneous									
Total	151	100	362	3,698	1,752	4,321	3,849	1,852	4,683
1917.									
Trains striking or being struck by—									
Pedestrians				943	534	448	943	534	448
Automobiles and trucks	89	81	138	1,987	1,002	2,862	2,076	1,083	3,000
Trolley cars	29	15	204	42	2	209	71	17	413
All other highway vehicles	13	5	9	968	330	894	981	335	903
Miscellaneous									
Total	131	101	351	3,940	1,868	4,413	4,071	1,969	4,764

[1] A train accident is an accident involving (*a*) more than $150 damage to railway property; or (*b*) any damage to railway property combined with a resulting casualty which incapacitates a railway employee for a period exceeding 3 days in the 10 days immediately following the accident, or a person other than an employee for a period exceeding 1 day.

[2] A train-service accident is an accident in connection with the operation of trains, locomotives, or cars which incapacitates a railway employee for more than 3 days in the 10 days immediately following the accident, or a person other than a railway employee for a period exceeding 1 day.

[3] Apparent decrease due to a change in classification in 1919 which made certain accidents at highway grade crossings "train-service" instead of "train" accidents.

Casualties resulting from train accidents in the years ending Dec. 31, 1917, 1918, and 1919—all steam roads.

Class of accident.	Total non-trespassers.		Employees.		Passengers.		Persons carried under contract.		Other non-trespassers.		Total trespassers.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Collisions:												
1919	238	3,931	141	1,313	85	2,455	9	124	3	39	4	10
1918	499	4,431	276	2,314	206	1,928	14	151	3	38	8	15
1917	364	5,101	244	2,450	101	2,366	15	194	4	91	18	19
Derailments:												
1919	175	2,979	160	1,086	12	1,761	1	120	2	12	23	44
1918	290	3,978	222	1,446	53	2,311	10	175	5	46	24	36
1917	176	3,214	156	1,333	12	1,722	3	122	5	37	47	57
Locomotive boiler:												
1919	41	204	40	204	.....	.....	.....	.....	1	.....	1	1
1918	42	307	42	294	.....	1	.....	2	.....	10	.....	1
1917	44	327	44	326	.....	1	.....	.....	.....	.....	2	.....
Other locomotive:												
1919	2	57	2	51	.....	1	.....	1	.....	4	.....	1
1918	.....	56	.....	49	.....	7	.....	.....	.....	.....	.....	.....
1917	1	59	1	58	.....	.....	.....	1	.....	.....	.....	.....
Miscellaneous:												
1919	[1] 29	441	23	348	1	75	2	12	[1] 3	[1] 6	4	7
1918	126	566	14	147	2	66	1	14	109	339	7	15
1917	106	521	6	122	.....	47	.....	7	100	345	1	.....
Total, 1919	485	7,612	366	3,002	98	4,292	12	257	[1] 9	[1] 61	32	63
Total, 1918	957	9,338	554	4,250	261	4,313	25	342	117	433	39	67
Total, 1917	691	9,222	451	4,289	113	4,136	18	324	109	473	68	76

[1] Apparent decrease due to a change in classification in 1919 which made certain accidents at highway grade crossings "train-service" instead of "train" accidents.

NOTE.—The depreciation in the value of the dollar has had the tendency to increase the number of reportable train accidents, since train accidents not causing casualties are not reportable unless involving damage to railway property in excess of $150. A comparison of the total number of train accidents, by years, therefore, would be misleading, and for this reason is omitted.

STATISTICS OF RAILWAY DEVELOPMENT SINCE 1908.

In the following tables slight adjustments have been made in some of the figures heretofore published, in order to allow as fully as possible for changes in methods of compilation. As the changes are not of importance, the tables have not been burdened with numerous footnotes.

TABLE I.—*Mileage operated and mileage owned by steam roads in the United States, not including switching and terminal companies, 1908–1919.*

Year ended—	Miles of road owned in the United States.[1]	Mileage operated, by Classes I, II, and III roads (including trackage rights).		
		Miles of road.	Miles of second or additional main tracks.	Miles of yard track and sidings.
June 30, 1908	233,468	230,494	23,699	79,453
1909	236,834	235,402	24,573	82,377
1910	240,293	240,831	25,354	85,582
1911	243,979	246,238	27,612	88,974
1912	246,777	249,852	29,367	92,019
1913	249,777	253,470	30,827	95,211
1914	252,105	256,547	32,376	98,285
1915	253,789	257,569	33,662	99,910
1916	254,251	259,211	33,864	101,869
Dec. 31, 1916	254,037	259,705	34,325	102,984
1917	253,626	259,705	35,066	105,582
1918	253,529	258,507	36,228	107,608
1919	252,571	258,251	36,730	108,629

[1] Includes mileage of some small companies that do not make annual reports to the Commission.

TABLE II.—*Equipment of steam roads in service at the close of each year, 1908–1919.*[1]

Year ended—	Number of locomotives.	Average tractive power.	Number of freight cars (excluding caboose).	Average capacity.	Number of passenger-train cars.
		Pounds.		*Tons.*	
June 30, 1908	57,698	26,356	2,100,784	34.9	45,292
1909	58,219	26,601	2,086,835	35.3	45,664
1910	60,019	27,282	2,148,478	35.9	47,179
1911	62,463	28,291	2,208,997	36.9	49,906
1912	63,463	29,049	2,229,163	37.4	51,583
1913	65,597	30,258	2,298,478	38.3	52,717
1914	67,012	31,006	2,349,734	39.1	54,492
1915	66,502	31,501	2,341,567	39.7	55,810
1916	65,314	32,380	2,313,378	40.5	54,774
Dec. 31, 1916	65,395	32,840	2,329,475	40.9	55,193
1917	66,070	33,932	2,379,472	41.5	55,939
1918	67,936	34,701	2,397,943	41.5	56,611
1919	68,802	35,387	2,428,049	41.9	56,240

[1] The figures relating to the number of locomotives and cars as published have been adjusted to cover all operating roads each year, but the figures showing average tractive power of locomotives and average capacity of freight cars are as published in the Statistics of Railways. The fact that the same classes of roads have not been covered each year affects these averages only slightly.

TABLE III.—*Transportation service performed by steam roads, 1908–1919, excluding switching and terminal companies.*

Year ended—	Tons of freight originating.	Number of ton-miles of revenue freight.	Number of loaded freight-car miles.	Number of passengers carried.	Number of passenger-miles.
		Millions.	*Millions.*	*Millions.*	*Millions.*
June 30, 1908	869,797,510	218,382	11,128	890	29,083
1909	881,334,355	218,803	11,361	891	29,109
1910	1,026,491,782	255,017	12,851	972	32,338
1911	1,003,053,893	253,784	12,859	997	33,202
1912	1,031,206,606	264,081	13,088	1,004	33,132
1913	1,182,547,672	301,730	14,292	1,044	34,673
1914	1,129,992,223	288,637	13,688	1,063	35,357
1915	1,023,802,680	277,135	13,111	986	32,475
1916	1,262,862,624	343,477	15,343	1,015	34,309
Dec. 31, 1916	1,317,245,556	366,174	16,042	1,049	35,220
1917	1,382,004,576	398,263	16,088	1,110	40,100
1918	1,376,844,812	408,778	15,163	1,123	43,212
1919	1,190,172,967	367,061	14,431	1,212	46,855

TABLE IV.—*Reported property investment and railway operating income, 1908–1919: Steam roads, excluding switching and terminal companies.*

Year ended—	Investment.[1]	Railway operating income.	Return on investment.[2]
			Per cent.
June 30, 1908	$13,213,766,540	$645,689,235	4.89
1909	13,609,183,515	732,642,083	5.38
1910[3]	14,557,816,099	826,466,756	5.68
1911	15,612,378,845	768,213,345	4.92
1912	16,004,744,966	751,266,806	4.69
1913	16,588,603,109	831,343,282	5.01
1914	17,153,785,568	705,883,489	4.12
1915	17,441,420,382	727,546,101	4.17
1916	17,689,425,438	1,043,017,290	5.90
Dec. 31, 1916	17,842,776,668	1,100,545,422	6.17
1917	18,574,297,873	986,819,181	5.31
1918	18,984,756,478	[4] 682,546,759	3.60
1919	19,272,911,023	[5] 509,601,118	2.64

[1] The figures shown are those taken from the annual reports of carriers and do not include property investment of some proprietary companies which do not render annual reports, notably the proprietary roads in the Baltimore & Ohio system. They also include some duplications in the Atchison, Topeka & Santa Fe system. If these facts were taken into account, the total shown for 1919 would be increased to approximately $19,538,436,987. This excludes the investment of switching and terminal companies, amounting to $502,135,624.

[2] These percentages differ somewhat from those shown on page 37 of this Commission's Thirty-first Annual Report, partly owing to adjustments made in the interest of comparability of the various years and partly owing to the fact that per mile of line figures are not used here.

[3] Investment for 1910 originally published is increased by 170 millions, estimated reserve for accrued depreciation, to make totals comparable with those for other years.

[4] Includes $47,067,926 deficit, representing operating expenses, taxes, etc., from the corporate reports of roads under Federal control.

[5] Includes $56,711,619 deficit, representing operating expenses, taxes, etc., from the corporate reports of roads under Federal control.

TABLE V.—*Railway capital actually outstanding and net income, 1908–1919: Steam roads, excluding switching and terminal companies.*

Year ended—	Total railway capital.	Funded debt.	Stock.	Ratio of debt to capital.	Net income.	Ratio of net income to stock.
				Per cent.		*Per cent.*
June 30, 1908	$16,198,731,489	$8,897,992,216	$7,300,739,273	54.9	$443,986,915	6.08
1909	16,992,530,340	9,380,119,114	7,612,411,226	55.2	441,062,743	5.79
1910	17,774,426,871	9,763,696,861	8,010,730,010	54.9	583,191,124	7.28
1911	18,437,820,946	10,074,545,054	8,363,275,892	54.6	547,280,771	6.54
1912	18,989,345,476	10,436,898,200	8,552,447,276	55.0	453,125,324	5.30
1913	19,028,535,973	10,428,543,119	8,599,992,854	54.8	544,201,074	6.33
1914	19,401,083,881	10,746,868,639	8,654,215,242	55.4	395,631,642	4.57
1915	19,719,893,944	11,084,574,576	8,635,319,368	56.2	354,786,729	4.11
1916	19,681,193,092	10,938,086,453	8,743,106,639	55.6	671,398,243	7.68
Dec. 31, 1916	19,630,610,082	10,875,206,565	8,755,403,517	55.4	735,341,165	8.40
1917	19,764,941,991	10,761,145,441	9,003,796,550	54.5	658,224,696	7.31
1918	19,453,273,003	10,606,556,489	8,846,716,514	54.5	442,336,131	5.00
1919	19,576,284,984	10,683,744,017	8,892,540,967	54.6	493,374,661	5.55

TABLE VI.—*Capital stock and dividends, 1908–1919: Steam roads, excluding switching and terminal companies.*

Year ended—	Proportion of stock paying dividends.	Amount of dividends.	Average rate on—	
			Dividend-paying stock.	All stock.
	Per cent.		*Per cent.*	*Per cent.*
June 30, 1908	65.69	$390,695,351	8.07	5.30
1909	64.01	321,071,626	6.53	4.18
1910	66.71	405,771,416	7.50	5.00
1911	67.65	460,195,376	8.03	5.42
1912	64.73	400,315,313	7.17	4.64
1913	66.14	369,077,546	6.37	4.22
1914	64.39	451,653,346	7.97	5.13
1915	60.45	328,477,938	6.29	3.80
1916	60.38	342,109,396	6.48	3.91
Dec. 31, 1916	62.02	366,561,494	6.75	4.19
1917	63.32	381,851,548	6.81	4.24
1918	58.09	339,185,658	6.60	3.83
1919	59.53	334,731,132	6.32	3.76

TABLE VII.—*Carload, trainload, and density of traffic, 1908–1919.*

Year ended—	Tons per loaded freight car.	Tons per freight train.	Passengers per car.	Passengers per train.	Ton-miles per mile of road.	Passenger-miles per mile of road.
June 30, 1908 [1]	19.62	352	16	54	974,654	130,073
1909 [1]	19.26	363	15	54	953,986	127,299
1910 [1]	19.84	380	16	56	1,071,086	138,169
1911 [1]	19.74	383	16	55	1,053,566	139,191
1912 [1]	20.18	407	15	53	1,078,580	136,699
1913 [2]	21.11	445	15	55	1,245,158	143,067
1914 [2]	21.09	452	15	56	1,176,923	144,278
1915 [2]	21.15	474	15	53	1,121,059	131,165
1916 [2]	22.40	535	15	55	1,380,349	137,818
Dec. 31, 1916 [2]	22.83	550	15	56	1,470,274	141,305
1916 [3]	22.84	560	16	57	1,569,084	149,795
1917 [3]	24.77	597	17	65	1,698,825	170,088
1918 [3]	26.99	628	20	76	1,738,305	183,066
1919 [3]	25.46	631	21	82	1,559,442	198,451

[1] Class I, Class II, and Class III roads. [2] Class I and Class II roads. [3] Class I roads only.

TABLE VIII.—*Relation of labor compensation to total operating expenses and to traffic, 1908–1919.*

Year ended—	Railway operating expenses.	Operating expenses per ton-mile.[1]	Average number of employees during year.[2]	Compensation paid to employees.[3]		
				Total.	Per cent of operating expenses.	Per ton-mile.[1]
		Mills.				*Mills.*
June 30, 1908	$1,710,401,791	5.596	.....	$1,035,437,528	60.54	3.388
1909	1,650,034,204	5.390	.....	988,323,694	59.90	3.228
1910	1,881,879,118	5.346	.....	1,143,725,306	60.78	3.249
1911	1,976,331,864	5.593	.....	1,208,466,470	61.15	3.420
1912	2,035,057,529	5.599	.....	1,252,347,697	61.54	3.445
1913	2,249,277,937	5.544	.....	1,381,334,368	61.41	3.404
1914	2,279,408,486	5.775	.....	1,381,117,292	60.59	3.499
1915	2,088,682,956	5.576	.....	1,242,319,254	59.48	3.317
1916	2,277,202,278	5.101	.....	1,403,968,437	61.65	3.145
Dec. 31, 1916	2,426,250,521	5.142	.....	1,506,960,995	62.11	3.194
1917	2,906,283,165	5.605	.....	1,783,214,071	61.36	3.439
Dec. 31, 1917[4]	2,829,325,124	5.516	1,732,876	1,739,482,142	61.48	3.391
1918[4]	[5]3,971,870,043	7.446	1,837,663	[6]2,606,284,245	65.62	4.886
1919[4]	[5]4,377,183,891	8.697	1,909,017	[6]2,829,298,181	64.64	5.622

[1] Including passenger-miles reduced to a ton-mile basis. Mail and express traffic not included in ton-miles.
[2] Represents average number of employees in service of Class I carriers which in 1916 employed 94.5 per cent of the employees of all roads reporting.
[3] The compensation is the total pay roll as reported. The proportions chargeable to operating expenses and to capital account, respectively, can not be distinguished.
[4] Class I roads only.
[5] Excludes expenses of companies whose properties were under Federal control.
[6] Excludes compensation of corporate organizations whose properties were under Federal control.

TABLE IX.—*Railway operating revenues and average receipts per ton, per ton-mile, per passenger, and passenger-mile, 1908–1919.*

Year ended—	Railway operating revenues.[1]	Average amount received for each ton originated.[1]	Average receipts per ton per mile.[2]	Average receipts per passenger.[2]	Average receipts per passenger-mile.[2]
			Cents.		*Cents.*
June 30, 1908	$2,440,638,832	$1.903	0.754	$0.634	1.937
1909	2,473,205,301	1.903	.763	.631	1.928
1910	2,812,141,575	1.876	.753	.646	1.938
1911	2,852,854,721	1.920	.757	.658	1.974
1912	2,906,415,869	1.909	.744	.657	1.987
1913	3,208,647,370	1.869	.729	.672	2.008
1914	3,126,520,234	1.881	.733	.664	1.982
1915	2,956,193,202	1.991	.732	.659	1.985
1916	3,472,641,941	1.955	.716	.682	2.006
Dec. 31, 1916	3,691,065,217	1.997	.715	.692	2.046
Dec. 31, 1916—Class I roads only	.....	.....	.707	.702	2.042
1917	4,115,413,057	2.096	.715	.773	2.090
1918	4,984,547,052	2.558	.849	.950	2.414
1919	5,143,240,696	3.234	.973	1.000	2.541

[1] Roads of Classes I, II, and III.
[2] Roads of Classes I, II, and III for years 1908 to 1912, inclusive; Classes I and II for years 1913 to Dec. 31, 1916. The figures for 1917, 1918, and 1919 are for Class I roads. To show the effect of the latter change in compilation, the figures for the last three columns are given in two ways for the calendar year 1916.

APPENDIX D.

POINTS DECIDED BY THE COMMISSION IN REPORTED CASES, WITH INDEX OF POINTS DECIDED AND TABLE OF CASES.

POINTS DECIDED IN REPORTED CASES.

Sutton v. *L. V. R. R. Co.*, 55 I. C. C., 117.

1. Demurrage charges at Jersey City terminal, N. J., on five carloads of hay shipped from certain points in Ohio not shown to have been unreasonable. Complaint dismissed.

Merchants Freight Bureau of Little Rock v. *A. C. L. R. R. Co.*, 55 I. C. C., 119.

2. Rates for the transportation of knitting-factory products in any quantity from producing points in the states of Tennessee, Georgia, and Alabama to Little Rock, Ark., not found unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed, and fourth section relief denied.

Owens Bottle-Machine Co. v. *B. & O. R. R. Co.*, 55 I. C. C., 122.

3. Rates charged for the transportation of complainant's shipments of glass sand, in carloads, from Silica, Ohio, to Fairmont, W. Va., found unreasonable. Reparation awarded.

4. Through routes and reasonable joint rates on glass sand, in carloads, from Silica, Ohio, to Fairmont and Clarksburg, W. Va., prescribed for the future.

N. O. Refining Co. v. *L. Ry. & N. Co.*, 55 I. C. C., 131.

5. Demurrage charges collected on 156 tank-car loads of petroleum products shipped to Kassel, La., for export, found to have been unreasonable and unduly prejudicial to the extent that they exceeded those which would have accrued under the 10-days' free-time rule in effect at other Louisiana ports. Reparation awarded.

Fort Smith Spelter Co. v. *Director General*, 55 I. C. C., 133.

6. Rate on slack coal, in carloads, from Hume, Mo., to South Fort Smith, Ark., found unreasonable. Reparation awarded and maximum reasonable rate prescribed for the future.

Zelnicker Supply Co. v. *Director General*, 55 I. C. C., 135.

7. Rate on angle and splice bars and track bolts, in less than carloads, from East St. Louis, Ill., to Boonville, Ind., not found to have been unreasonable.

8. Rate on old rails, in carloads, from and to the same points found unreasonable to the extent that it exceeded or may exceed the rate contemporaneously applicable on the same traffic from East St. Louis to Louisville, Ky. Relationship of rates prescribed and reparation awarded.

Zelnicker Supply Co. v. *Director General*, 55 I. C. C., 137.

9. Rate legally applicable on a carload of old rails and old rail fastenings from Denver, Colo., to Kansas City, Mo., reconsigned to Sioux City, Iowa, not shown to have been unreasonable.

10. Shipment found to have been overcharged and misrouted. Reparation awarded.

Sheboygan Asso. of Commerce v. *C. & N. W. Ry. Co.*, 55 I. C. C., 140.

11. Class rates from Sheboygan, Wis., to points in Illinois south of the Toledo, Peoria & Western Railway, also to St. Louis, Hannibal, and Louisiana, Mo., and Keokuk, Iowa, not found unreasonable *per se* but found to have been unduly prejudicial to Sheboygan and unduly preferential of Milwaukee, Wis., to the extent that they exceeded the rates from Milwaukee by more than the arbitraries stated in the report. The Director General of Railroads not having been made a party defendant the complaint is dismissed.

Inman, Akers & Inman v. *Director General*, 55 I. C. C., 146.

12. Rate on cotton in compressed bales from Mobile, Ala., to Savannah, Ga., for export, found unreasonable. Reparation awarded.

Wheeler v. *Director General*, 55 I. C. C., 149.

13. Reconsignment and demurrage charges on a carload of lumber from Mosinee, Wis., to Mount Pleasant, Mich., found to have been legally applicable and not shown to have been unreasonable. Complaint dismissed.

Du Pont de Nemours & Co. v. *Director General*, 55 I. C. C., 151.

14. Rates on sulphuric acid, in tank-car loads, from Perth Amboy, N. J., to Philadelphia, Pa., found to have been and to be unreasonable. Reasonable rates prescribed and reparation awarded.

Southport Mill v. *Director General*, 55 I. C. C., 154.

15. Rates on copra and palm-kernel products from New Orleans and Baton Rouge to various destinations found to have been unreasonable. Reparation awarded.

Volker & Co. v. *Director General*, 55 I. C. C., 163.

16. Rate for the transportation of congoleum from eastern points to Denver, Colo., found to have been and to be unreasonable to the extent it exceeded or may exceed the rate contemporaneously in effect on linoleum and other floor coverings between the same points. Reparation awarded.

Coulter v. *C., M. & St. P. Ry. Co.*, 55 I. C. C., 165.

17. So long as provision is made in defendants' tariffs for the transportation of hogs, sheep, and goats, in double-deck cars from points on defendants' lines in South Dakota, such tariffs should provide that if a double-deck car is ordered and in lieu thereof two single-deck cars are furnished for the convenience of the carrier, they may be used at the rate and minimum weight applicable to the double-deck car, provided a period of six days is allowed the carriers in which to furnish the car ordered.

Aetna Explosives Co. v. *Director General*, 55 I. C. C., 170.

18. Rate of 99 cents per 100 pounds legally applicable on shipments of ivory-nut shavings, in carloads, from Rochester, N. Y., to North Birmingham, Ala., found to have been unreasonable to the extent that it exceeded 58 cents. Reparation awarded.

Winkle Terra Cotta Co. v. *Director General*, 55 I. C. C., 172.

19. Rate of 27 cents per 100 pounds on terra cotta in carloads, from St. Louis, Mo., to New Madrid, Mo., by an interstate route, found to have been unreasonable to the extent that it exceeded 17 cents per 100 pounds. Reparation awarded.

Delp Grain Co. v. *Director General*, 55 I. C. C., 175.

20. Demurrage charges collected for detention at Bourbon, Ind., of various carloads of salvaged barley shipped from Brooklyn, N. Y., not shown to have been unreasonable or otherwise unlawful. Complaint dismissed.

Aetna Explosives Co. v. *Director General*, 55 I. C. C., 177.

21. Rates on carload and less-than-carload shipments of high explosives from Emporium, Pa., to Ironton, Ohio, found to have been unreasonable to the extent that they exceeded the first-class and double first-class rates, respectively. Reparation awarded.

Acme Cement Plaster Co. v. *Director General*, 55 I. C. C., 179.

22. Rate of 32.1 cents per 100 pounds on finishing plaster from Acme, Tex., to Plasterco, Tex., by way of Altus, Okla., found to have been and to be unreasonable and unduly prejudicial to the extent that it exceeded or may exceed the contemporaneous rates from Okeene, Ideal, or Southard, Okla., to the same destination. Maximum rate prescribed and reparation awarded.

Chop v. *Director General*, 55 I. C. C., 182.

23. Rate of 17 cents per 100 pounds on staves and heading, in carloads, from Star City, Ark., to New Orleans, La., and present rate of 21½ cents, respectively, found to have been and to be unreasonable to the extent of their excess over the contemporaneous group rates from Gould and Furth, Ark., to the same destination. Reparation awarded.

Watertown Sash & Door Co. v. *Director General*, 55 I. C. C., 186.

24. Rates on glass, in carloads, from producing points in Kansas to points in South Dakota, found unduly prejudicial to the extent they exceed rates based upon the commodity rates to Sioux City, Iowa, Sioux Falls, S. Dak., or Pipestone, Minn., plus 75 per cent of the fifth-class rates thence to destination.

Chicago & Calumet River Railroad Company, 55 I. C. C., 194.

25. Chicago & Calumet River Railroad Company found to be a common carrier which may lawfully participate in joint rates with other common carriers

or have its charges on interstate shipments absorbed under proper tariff provision by the roads having the line haul. Its compensation must not be more than is reasonable; and a complete and specific statement of the basis agreed upon must be filed with the Commission immediately upon its adoption.

Radinsky v. *C., B. & Q. R. R. Co.*, 55 I. C. C., 199.

26. Charges legally applicable on a mixed carload of rags and scrap rubber from Denver, Colo., to Chicago, Ill., and on certain mixed carloads of junk and scrap metals, including scrap copper, brass, and aluminum, from Denver, Colo., and Cheyenne, Wyo., to Chicago, Ill., and from Loveland, Colo., to St. Louis, Mo., found to have been unreasonable. Reparation awarded.

Radinsky v. *C. & N. W. Ry. Co.*, 55 I. C. C., 203.

27. Rates on scrap copper, brass, rags, and junk, in mixed carloads, from Trinidad, Pueblo, and Denver, Colo., to Chicago, Ill., found to have been unreasonable. Reparation awarded.

United Shoe Machinery Co. v. *B. & M. R. R.*, 55 I. C. C., 206.

28. Former finding that the ferry-car charges assessed on complainant's shipments so loaded as to entail back hauling were not unreasonable or otherwise unlawful affirmed upon rehearing. Original reports in 42 I. C. C., 435 and 51 I. C. C., 28.

Rope Paper Sack Bureau v. *Director General*, 55 I. C. C., 209.

29. Rules and regulations of the southern classification, in effect prohibiting the transportation of flour and meal in rope-paper sacks, found to be unreasonable and unduly prejudicial. Defendants required to provide for the use of such containers under reasonable restrictions.

Hebe Co. v. *Director General*, 55 I. C. C., 214.

30. Rate of 82 cents per 100 pounds charged for the transportation of evaporated skimmed milk containing vegetable fat, in carloads, from Jefferson and Oconomowoc, Wis., to De Ridder, La., found to have been unreasonable to the extent that it exceeded 61 cents per 100 pounds. Reasonable relationship of rates prescribed for the future and reparation awarded.

United Paperboard Co. v. *Director General*, 55 I. C. C., 218.

31. Rate of 16 cents per 100 pounds on chip board, in carloads, from Lockport, N. Y., to Camden, N. J., found to have been unreasonable to the extent that it exceeded 12.6 cents. Reparation awarded.

Gosline & Co. v. *Director General*, 55 I. C. C., 220.

32. Rate of $3.85 per gross ton on anthracite coal, in carloads, from points in the Pennsylvania anthracite-coal district via Buffalo, N. Y., to Toledo, Ohio, found to have been unreasonable to the extent that it exceeded $3.70. Reparation awarded.

So. Lumber & Mfg. Co. v. *C. of Ga. Ry. Co.*, 55 I. C. C., 225.

33. Reparation awarded for failure of carrier properly to reconsign to Philipsburg, Pa., a carload of lumber from Theba, Ala., originally consigned to Chattanooga, Tenn.

Oatman Condensed Milk Co. v. *Director General*, 55 I. C. C., 228.

34. Rates on canned condensed milk, boxed, in carloads, from Neillsville, Wis., to trunk line territory found to have been unreasonable in so far as they exceeded rates contemporaneously in effect on canned vegetables, boxed, in carloads, from and to the same points. Reparation awarded.

Crown Willamette Paper Co. v. *Director General*, 55 I. C. C., 231.

35. Carload rates on pulp grindstones from Empire and Peninsula, Ohio, and Opekiska, W. Va., to Camas, Wash., Pulp, Oreg., and Floriston, Calif., found not to have been or to be unreasonable. Complaint dismissed.

Fort Smith Commission Co. v. *Director General*, 55 I. C. C., 234.

36. Carload shipments of apples from Tontitown, Ark., to Fort Smith, Ark., by an interstate route found to have been misrouted. Reparation awarded.

Ruddock Orleans Cypress Co. v. *Director General*, 55 I. C. C., 236.

37. Rate on lumber, in carloads, from New Orleans, La., to Violet, La., found unreasonable. Demurrage charges at New Orleans found legally applicable. Reparation awarded.

Piqua Milling Co. v. *E. R. R. Co.*, 55 I. C. C., 239.

38. Demurrage and storage charges assessed at Buffalo, N. Y., on an interstate carload shipment of sacked corn meal found to have been in excess of those provided by the defendant carrier's tariffs. Reparation awarded.

Du Pont de Nemours & Co. v. *C. R. R. Co. of N. J.*, 55 I. C. C., 243.

39. Rates on soda ash in carloads from Newark, N. J., to Hopewell, Va., including the factor from Petersburg, Va., to Hopewell, not shown to have been unreasonable. Shipments misrouted by initial carrier and overcharged. Reparation awarded.

Du Pont de Nemours & Co. v. *Director General*, 55 I. C. C., 246.

40. Rate of $1.90 per 100 pounds on saltpeter (nitrate of potash), in carloads, from Carneys Point, N. J., to American Lake, Wash., found to have been unreasonable to the extent that it exceeded the subsequently established rate of $1.10. Reparation awarded.

Du Pont de Nemours & Co. v. *Director General*, 55 I. C. C., 247.

41. Rate of 54.5 cents per 100 pounds charged on specified carloads of wet nitrocellulose from Norfolk, Va., to Carneys Point, N. J., found unreasonable to the extent that it exceeded the contemporaneous rate of 38.9 cents applicable from Hopewell, Va., to which Norfolk is intermediate by the route of movement from Norfolk. Reparation awarded.

Pikes Peak Consolidated Fuel Co. v. *Director General*, 55 I. C. C., 249.

42. Rates on lignite coal in carloads from Pikeview, Colo., to points on the Chicago, Rock Island & Pacific Railway in Kansas, Nebraska, Missouri, and Oklahoma, not shown to be unreasonable, but found to be unduly prejudicial to the extent that they exceed by more than 10 cents per net ton the rates contemporaneously maintained from the Keystone mine, near Roswell, Colo., to the same destinations.

United Shoe Machinery Corp. v. *Director General*, 55 I. C. C., 253.

43. Upon complaint that domestic demurrage charges were illegally assessed at Baltimore, Md., on two cars of tack plate, shipped from Vandergrift, Pa., to Baltimore, for export, but subsequently reconsigned to New York and exported from that port: *Held*, That the domestic demurrage charges and not the export storage charges were legally applicable. Charges not shown to have been unreasonable.

Cornell Wood Products Co. v. *A., T. & S. F. Ry. Co.*, 55 I. C. C., 257

44. Carload rates and ratings on "wall board" found to have been legally applicable on "Cornell wall board" and to have been unreasonable and unduly prejudicial to the extent that they exceeded the carload rates legally applicable on wood-pulp board. Reparation awarded. Original report in No. 9296, 49 I. C. C., 91.

Wittenberg-King Co. v. *Director General*, 55 I. C. C., 260.

45. Rate of 40 cents per 100 pounds on cull apples, in carloads, from Peshastin, Cashmere, Wenatchee, and Monitor, Wash., to Portland, Oreg., found unreasonable to the extent that it exceeded 25 cents. Reparation awarded.

Rockford Paper Box Board Co. v. *C., M. & St. P. Ry. Co.*, 55 I. C. C., 262

46. Charges of 24.5 cents and 20 cents per 100 pounds on rock board, in carloads, from Rockford, Ill, to Kansas City, Mo., and Minneapolis, Minn., respectively, found upon rehearing to have been unreasonable to the extent that they exceeded 16 cents and 13.5 cents. Reparation awarded. Original report, 49 I. C. C., 586.

Mohr & Sons v. *New England S. S. Co.*, 55 I. C. C., 265.

47. Rates on smoothed zinc plate, in carloads and less than carloads, from Plymouth and Framingham, Mass., to Pacific coast points found unreasonable to the extent indicated in the report. Reparation awarded.

Kaufman & Sons Co. v. *C. R. R. Co. of N. J.*, 55 I. C. C., 268.

48. Rates charged on scrap iron, in carloads, from Bayway, N. J., to Conshohocken, Pa., reconsigned to Coatesville, Pa., and from Bayway, N. J., to Williamsport, Pa., reconsigned to Newberry, Pa., then to Franklin, Pa., found not to have been unreasonable. Complaints dismissed.

Matthiessen & Hegeler Zinc Co. v. *Director General*, 55 I. C. C., 271.

49. Fifth-class rates on hard corrugated asbestos roofing and siding from Ambler, Pa., to La Salle, Ill., not found to have been or to be unreasonable or otherwise unlawful. Complaint dismissed.

New Bedford Board of Commerce v. *Director General*, 55 I. C. C., 274.

50. Rate on eyelets from New Bedford, Mass., to pier No. 40, North River, New York, N. Y., not found unreasonable. Complaint dismissed.

Roberts & Schaefer Co. v. *Director General*, 55 I. C. C., 277.

51. Charges on a less-than-carload shipment of machinery and machinery parts from Champaign, Ill., to South Akron, Ohio, not shown to have been unreasonable or unduly prejudicial. Shipment found to have been overcharged and reparation awarded.

Solvay Process Co. v. *D., L. & W. R. R. Co.*, 55 I. C. C., 280.

52. Rates charged for shipments of limestone, in carloads, from Jamesville, N. Y., to Solvay, N. Y., found to have been and to be unreasonable. Reparation awarded.

Illinois Classification, 55 I. C. C., 290.

Upon investigation, instituted under section 8 of the federal control act approved March 21, 1918, at the request of the Director General of Railroads, who asked the Commission to advise him whether in its judgment and opinion the present Illinois classification and the present class and commodity rates applicable between points in Illinois should be continued in effect: *It is recommended:*

53. That for the rules, descriptions packing specifications, and minimum and estimated weights of the Illinois classification there be substituted the corresponding portions of the consolidated classification, subject to the modifications thereof indicated in *Consolidated Classification Case*, 54 I. C. C., 1;

54. That the Illinois scale of class rates and ratings applicable thereto under the Illinois classification be canceled; and the Disque scale, governed by the official classification, be substituted therefor and applied between points in the Illinois district south and east of the lines indicated, extending from Chicago through Peoria to St. Louis, Mo.; and that class rates, governed by the contemporaneous western classification, and not higher than the level of interstate rates between points in northwestern Illinois and adjoining states, be substituted therefor and applied between points in the Illinois district on, north, and west of the Chicago-St. Louis line;

55. That a review of particular commodity rate structures be made in order to remove discriminations which now exist or may arise from any readjustments growing out of these recommendations;

56. Specific recommendations made with respect to commodity rates on certain articles.

Cape Girardeau Portland Cement Co. v. *St. L. & S. F. R. R. Co.*, 55 I. C. C., 315.

57. Reparation awarded on various carload shipments of cement from Cape Girardeau, Mo., to certain points in southern Illinois.

New Bedford Board of Commerce v. *Director General*, 55 I. C. C., 320.

58. Rates for the transportation of coal in carloads from wharves at New Bedford, Mass., to the plant of the New Bedford Extractor Company, at New Bedford, in effect on and after June 25, 1918, found unreasonable. Rates which shall not exceed by more than 5 cents per long ton the rates contemporaneously charged on coal switched from the wharves to points within the New Bedford switching district prescribed as a reasonable basis for the future. Reparation awarded.

Swift & Co. v. *Director General*, 55 I. C. C., 324.

59. Rate of 15.5 cents per 100 pounds on stable manure, in carloads, from Camp Sherman, Ohio, to Parma, Ohio, found to have been unreasonable to the extent that it exceeded 12 cents per 100 pounds. Reparation awarded.

Asso. Cooperage Industries v. *Director General*, 55 I. C. C., 327.

60. Rates and minima on cooperage stock, in carloads, from certain eastern defined territory to California terminals and other western points not found

unreasonable, unduly prejudical, or otherwise in violation of the act to regulate commerce. Complaint dismissed.

Boldt Paper Mills v. *Director General*, 55 I. C. C., 331.

61. Tank carloads of silicate of soda shipped from Ancor, Ohio, to Red Bank, Ohio, found to have been overcharged and also misrouted. Reparation awarded.

Aetna Explosives Co. v *Director General*, 55 I. C. C., 333.

62. Rate of $1.028 per 100 pounds on a carload of high explosives from South Windsor, Conn., to Emporium, Pa., found unreasonable to the extent that it exceeded the joint first-class rate of 46.3 cents contemporaneously in effect. Measure of reasonable maximum rate prescribed for the future and reparation awarded.

Ferguson Lumber Co. v. *Director General*, 55 I. C. C., 335.

63. Demurrage charges collected for detention, at Akron, Ohio, of a carload of lumber shipped from Stamps, Ark., to South Akron, Ohio, found to have been illegal. Reparation awarded.

Wall Rope Works v. *P. R. R. Co.*, 55 I. C. C., 337.

64. Defendant carrier's refusal to transport in carloads certain shipments of rope from Beverly, N. J., to New York, N. Y., found to have been unlawful. Reparation awarded.

Sonken-Galamba I. & M. Co. v. *Director General*, 55 I. C. C., 339.

65. Rates of 29, 30, and 31 cents per 100 pounds on scrap iron, in carloads, from named points in southeastern Arkansas to Kansas City, Mo., found unreasonable to the extent that they exceeded 26 cents per 100 pounds. Reasonable maximum rates prescribed for the future. Reparation awarded.

National Refining Co. v. *Director General*, 55 I. C. C., 341.

66. Rate of 75 cents per 100 pounds on motor lubricating oil, in carloads, from San Antonio, Tex., to Coffeyville, Kans., found unreasonable to the extent that it exceeded the rate of 35 cents contemporaneously maintained from Houston, Tex. Reparation awarded.

So. Lumber Co. v. *Director General*, 55 I. C. C., 343.

67. Demurrage charges assessed at St. Louis, Mo., on one carload of rough oak lumber shipped from Parma, Mo., and reconsigned to Chicago, Ill., found to have been illegal. Reparation awarded.

Sturges & Burn Mfg. Co. v. *Director General*, 55 I. C. C., 345.

68. Rate of $2.07 per 100 pounds charged on a carload of metal barrel churns shipped from Bellewood, Ill., to Portland, Oreg., not shown to have been unreasonable or otherwise unlawful. Complaint dismissed.

Du Pont de Nemours & Co. v. *Director General*, 55 I. C. C., 347.

69. Rate of 16 cents per 100 pounds on nitrate of soda, in bags in carloads, from Port Richmond, Pa., to Carneys Point, N. J., found unreasonable to the extent that it exceeded the aggregate of intermediate rates. Rate for future prescribed. Reparation awarded.

Aetna Explosives Co. v. *Director General*, 55 I. C. C., 350.

70. Rate of 58 cents per 100 pounds on carload shipments of high explosives from Fayville, Ill., to Flat River, Mo., found not unreasonable via Salem, Ill., but found unreasonable via Ste. Genevieve, Mo., to the extent that it exceeded a joint first-class rate of 52 cents. Reasonable maximum rate prescribed for the future. Reparation awarded.

Amer. Steel & Wire Co. v. *N. & S. S. Ry. Co.*, 55 I. C. C., 353.

71. The Newburgh & South Shore Railway Company and the Union Railroad Company found to be common carriers subject to the act to regulate commerce which may lawfully receive from their trunk line connections divisions of joint rates, or absorptions of switching charges, under appropriate tariffs, such divisions or absorptions to be reasonable. Other issues reserved for determination upon a fuller record.

Inman-Poulsen Lumber Co. v. *S. P. Co.*, 55 I. C. C., 357.

72. Rates on fir and hemlock lumber, except rough green fir and lath, also on mining timbers, mine wedges, fence posts, and railroad ties, in straight or

mixed carloads, from Portland, Oreg., to points on the Southern Pacific south and east of San Francisco and bay points and to points on the Atchison, Topeka & Santa Fe east of Mojave, Calif., found to have been unduly prejudicial to the extent indicated. Damage not proven and reparation denied.

73. Joint and through rates on all the commodities from Portland to points on the Southern Pacific south and east of San Francisco and bay points and to points on the Northwestern Pacific and El Paso & Southwestern system found to have been unreasonable to the extent indicated. Reparation awarded.

Chicago Warehouse & Terminal Co. Terminal Charges, 55 I. C. C., 363.

74. Authority to establish at Chicago, Ill., a terminal charge of 2 cents per 100 pounds to apply on interstate less-than-carload traffic between points beyond Chicago and industries and universal freight stations located on the Chicago Warehouse & Terminal Company, granted.

Public Utilities Commission of Colo. v. *A., T. & S. F. Ry. Co.*, 55 I. C. C., 374.

75. The joint ocean-and-rail and rail-ocean-and-rail rates from Atlantic seaboard territory to Colorado common points via Galveston, Tex., include insurance against marine risks, but the ocean factors of the combination rates through Galveston do not include insurance. Original report and order, 52 I. C. C., 439, 460, requiring the carriers to make effective rates not in excess of the aggregates of the intermediate rates when lower than the joint through rates modified so as to permit the addition to the former of the cost of marine insurance.

Portsmouth Asso. of Commerce v. *S. A. L. Ry. Co.*, 55 I. C. C., 377.

Upon complaints which allege unlawfulness in the addition of switching charges of the joint terminal of the defendant carriers, the Norfolk & Portsmouth belt line, to the rates on lumber and forest products from certain points in North Carolina and Virginia to deliveries in the Norfolk district, Va., when such deliveries are made by the belt line or through it as an intermediate carrier, whereas such charges are not added for deliveries of similar shipments to industries on the belt line, or deliveries to industries beyond the belt line, but requiring intermediate switching via that line on competitive traffic, nor from the same points on shipments of other commodities, *Held:*

76. That the record does not show that as to the corporate defendants such total charges were or are unreasonable under section 1 of the act to regulate commerce.

77. That the individual carrier corporations have not subjected these complainants or this commodity to undue prejudice or disadvantage under section 3 of the act to regulate commerce in the specific manner and form as alleged in the complaints.

78. That under the Federal control act it is and for the period of Federal control will be unjust and unreasonable to collect such charges from the shippers or consignees in addition to the line-haul rate under conditions set forth in the report. Reparation denied.

Atlas Leather Mfg. Co. v. *P., C., C. & St. L. R. R. Co.*, 55 I. C. C., 394.

79. Ratings on leatherboard not shown to have been or to be unreasonable.

80. Carload rating on scrap leatherboard of a declared or agreed value not exceeding 3.5 cents per pound found to be unreasonable. Reparation denied.

Fitz v. *N.-C.-O. Ry.*, 55 I. C. C., 398.

81. Complainant assailed as unreasonable and unjustly discriminatory the interstate scale of joint through class rates from San Francisco, Oakland, Sacramento, and other points in California via Reno, Nev., to Madeline, Calif. Subsequent to the filing of the complaint herein the initial line sold that portion of its line from Hackstaff, Calif., to Reno to the Western Pacific Railroad, which abandoned it and is constructing a new line. Thereafter the joint interstate class rates not applicable via any other interstate route between the points of origin and destination were canceled. As the rate situation attacked no longer exists and as the Commission could make no order for the future, the complaint is dismissed.

Keet & Roundtree D. G. Co. v. *Director General*, 55 I. C. C., 400.

82. Rates for the transportation of less-than-carload shipments of cotton piece goods from Boston, Mass., and other eastern seaboard points to Springfield, Mo., over water-and-rail and rail-water-and-rail routes through Memphis,

Tenn., found to have been unreasonable to the extent they exceeded the contemporaneous combinations of intermediate rates to and beyond Memphis. Reparation awarded.

Dahlstrom Metallic Door Co. v. *E. R. R. Co.*, 55 I. C. C., 402.

83. Ratings on certain items under the heading "Building Sheet Metal Work" in the official classification found unreasonable. Reasonable ratings prescribed for the future.

Heid Bros. v. *E. P. & N. E. R. R. Co.*, 55 I. C. C., 416.

In September, 1918, the El Paso & Northeastern Railroad Company and the Director General of Railroads instituted proceedings in the District Court of the Thirty-fourth Judicial District of Texas against Heid Brothers for the collection of certain demurrage charges alleged to have accrued at El Paso, Tex., between October 4, 1916, and August 23, 1917. Thereafter the complainants, defendants there, filed this complaint in which they allege that the charges assessed were unreasonable and unduly prejudicial, and for reasons set forth in the complaint are not in fact due and payable. The court proceedings have been removed to the United States District Court for the Western District of Texas, where they are still pending. Under the circumstances, *Held:*

84. That upon a complaint, the purpose of which is to secure a ruling from this Commission upon the reasonableness and propriety of demurrage rules and charges, lawfully established by tariffs duly filed, and to obtain relief from the payment of such charges, legal proceedings therefor having been instituted, the Commission may inquire into the reasonableness of the rules under which the charges were assessed, and having determined that issue will leave the disputed questions of fact to be determined by the court.

85. That the demurrage schedules in effect at El Paso during the period above stated were not unreasonable or otherwise unlawful. Complaint dismissed.

MacIntyre v. *C., St. P., M. & O. Ry. Co.*, 55 I. C. C., 421.

86. Rates on hay from Minnesota and Wisconsin points to stations in Montana not shown to have been unreasonable. Complaint dismissed.

McCrory Stores Corp., v. *Director General*, 55 I. C. C., 423.

87. Rating of one and one-half times first class on cut glassware from Pittsburgh, Pa., and points in West Virginia to points in official classification territory not shown to be unreasonable. Complaint dismissed.

Rio Grande Valley Creamery Co. v. *Wells Fargo & Co.*, 55 I. C. C., 425.

88. Through second-class express rates on cream in cans from points in New Mexico and Texas over interstate routes to El Paso, Tex., exceeded the aggregate of intermediate rates and were unlawful. Reparation awarded. Distance rates voluntarily established by the Director General of Railroads.

Beaumont Chamber of Commerce v. *Director General*, 55 I. C. C., 428.

89. Rate of 25 cents per 100 pounds on clean rice, carloads, from Beaumont, Tex., to New Orleans, La., not found unreasonable, but found unduly prejudicial to the extent that it exceeded or exceeds by more than 5 cents per 100 pounds the rate contemporaneously maintained on like traffic from Lake Charles, La., to New Orleans; the undue prejudice ordered removed. *Orange Rice Mill Co.* v. *T. & N. O. R. R. Co.*, 49 I. C. C., 250, followed. Reparation denied.

Diamond Match Co. v. *Director General*, 55 I. C. C., 431.

90. Rate charged on three carloads of matches from Chico, Calif., to Albuquerque, N. Mex., and Holbrook and Prescott, Ariz., found to have been unreasonable. Reparation awarded.

Decker & Sons v. *Director General*, 55 I. C. C., 433.

91. Rates on fresh-salted meats from Mason City, Iowa, to Chicago, Ill., Cudahy, Wis., St. Louis and Kansas City, Mo., Wichita, Arkansas City, and Hutchinson, Kans., and Dallas, Tex., not shown to have been or to be unreasonable.

92. Rates legally applicable on shipments of fresh-salted meats from Mason City, Iowa, to Chicago, Ill., St. Louis, Mo., Cudahy, Wis., and Dallas, Tex., prior to November 3, 1916, found to have been those applicable to fresh meats from and to the same points. Complaint dismissed.

Kansas City Bolt & Nut Co. v. *A., T. & S. F. Ry. Co.*, 55 I. C. C., 441.

93. Class D rates charged for the transportation of scrap iron or steel in carloads from Kansas and Nebraska points to Kansas City, Mo., not shown to have been unreasonable. Commodity rate applicable from the same points to Colorado common points shown to have been unduly prejudicial to Kansas City.

94. The carload commodity rate on scrap iron from St. Joseph, Mo., to Kansas City, Mo., interstate, not justified.

McKinney Steel Co. v. *N. Y. C. R. R. Co.*, 55 I. C. C., 449.

95. Rates on mill cinder, in carloads, from Cleveland, Ohio, to Charlotte, N. Y., found to have been unreasonable. Reparation awarded.

Decker & Sons v. *Director General*, 55 I. C. C., 453.

96. Defendants' bill-of-lading provisions with respect to the filing of claims or the institution of suits on account of loss, damage, or delay found not to prohibit the payment of meritorious claims, if seasonably filed with the carrier, after the two-year-and-one-day period, prescribed in the bill of lading as the maximum period for instituting suit, has elapsed.

97. The above bill-of-lading provisions found to have been and to be unreasonable, unjustly discriminatory, and unduly prejudicial, and defendants directed to modify these provisions in accordance with the conclusions announced herein.

Inland Steel Co. v. *Director General*, 55 I. C. C., 462.

98. Export rate of 60 cents per 100 pounds on iron and steel articles from Chicago, Ill., to Pacific coast ports not found to be unreasonable or unduly prejudicial. Complaint dismissed.

Anderson Lumber Co. v. *Director General*, 55 I. C. C., 467.

99. Rate on fuel wood in carloads from Hermansville, Mich., to Mitchell, S. Dak., found unlawful and unreasonable. Measure of reasonable maximum rate prescribed and reparation awarded.

National Tube Co. v. *L. T. R. R. Co.*, 55 I. C. C., 469.

100. Conclusions reached in *The Lake Terminal Case*, 50 I. C. C., 489, modified in the light of the further hearing and present record.

101. The Lake Terminal Railroad Co. found to be, and to have been at all times covered by these cases, a common carrier subject to the act to regulate commerce, lawfully entitled to receive divisions of joint rates or absorptions of switching charges under appropriate tariffs from its trunk line connections, such divisions or absorptions to be reasonable.

102. Reparation awarded to complainants on interstate carload shipments made between points on the Lake Terminal and interstate points during the period from April 1, 1914, to April 14, 1915, during which complainants paid the charge of the Lake Terminal in addition to the rates prevailing on like shipments to and from points in the same rate district.

National Fireproofing Co. v. *Director General*, 55 I. C. C., 485.

103. Present intrastate rate, initiated by Director General of Railroads, of $2.10 per ton on coal in carloads from Nelsonville, Ohio, to Aultman, Ohio, found to be unreasonable. Reasonable maximum rate of $1.60 per ton prescribed.

Northern Grain & Warehouse Co. v. *Director General*, 55 I. C. C., 488.

104. Following *Northern Grain & Warehouse Co.* v. *O. T. Ry. Co.*, 55 I. C. C., 101, defendants' tariff provision resulting in increased charges on wheat in carloads in cars of less than 80,000 pounds capacity furnished at carrier's convenience from Culver, Oreg., to Chicago, Ill., found not justified. Reparation awarded.

Gallatin Coal & Coke Co. v. *L. & N. R. R. Co.*, 55 I. C. C., 491.

105. Defendants' practices with respect to furnishing coal cars and transportation facilities not shown to be unduly prejudicial to complainant, served singly by the Louisville & Nashville, or unduly preferential to a neighboring competing mine served by the Louisville & Nashville and the Cleveland, Cincinnati, Chicago & St. Louis railways under a joint trackage arrangement.

Timmons v. *B., C. & A. Ry. Co.*, 55 I. C. C., 495.

106. Minimum weight of 15,000 pounds applicable on strawberries in carloads from points in Delaware, Maryland, and Virginia to points in New England found not unreasonable, but unduly prejudicial in favor of Philadelphia, Pittsburgh, and New York. Complainant not shown to have been damaged thereby. Reparation denied.

Du Pont de Nemours & Co. v. *Director General*, 55 I. C. C., 499.

107. Rate of $5.10 per ton on niter cake in carloads from Carneys Point, N. J., to Norfolk, Va., found to have been and to be unreasonable to the extent that it exceeded or exceeds $2.80 and $4, respectviely. Reparation awarded.

Northern Coal Co. v. *M. & O. R. R. Co.*, 55 I. C. C., 502.

108. Complainant, operator of a stripping coal mine at Millstadt, Ill., alleged that defendant subjected it to unjust discrimination and undue prejudice and unduly preferred neighboring shaft mines in the allotment and distribution of coal cars during a period of car shortage: *Held*, That in view of complainant's physical disadvantages, recurring interruptions in operations, and irregularity of production the record does not show that it was possible for complainant to have loaded more cars than were actually furnished by defendant, notwithstanding the fact that it received a relatively less percentage of its pro rata than did the shaft mines; and that the record does not show that the allegations of the complaint are sustained. Complaint dismissed.

Curtis, Booth & Bentley Co. v. *Director General*, 55 I. C. C., 511.

109. Rate of 40 cents per 100 pounds on window glass in carloads from Fredonia, Kans., to Okmulgee, Okla., found unreasonable and unduly prejudicial to the extent that it exceeded or may exceed the rate from the same point to Muskogee, Okla., and also found in violation of section 4 of the act to regulate commerce. Relationship of rates prescribed for the future. Reparation awarded.

Memphis-Southwestern Investigation, 55 I. C. C., 515.

110. A maximum distance scale of class rates prescribed for distances not in excess of 350 miles between points in Arkansas, Oklahoma, and southern Missouri.

111. Existing class rates between Memphis, Tenn., and all points on class A railroads in Arkansas are unreasonable and unduly prejudicial to Memphis to the extent that they exceed by more than reasonable bridge tolls the corresponding class rates contemporaneously applicable for like distances to intrastate traffic in Arkansas. Reasonable bridge tolls prescribed.

112. Existing class rates from Memphis to points in southern Missouri as defined in the report are unreasonable and unduly prejudicial to Memphis to the extent that they exceed by more than reasonable bridge tolls the corresponding class rates contemporaneously in effect from St. Louis, Mo., to the same points for like distances.

113. Class rates from Memphis to points in Arkansas are unduly prejudicial to Memphis to the extent that they exceed by more than reasonable bridge tolls the corresponding rates for like distances from St. Louis.

114. Rates and practices of the Missouri Pacific with respect to the concentration of Arkansas cotton at Memphis not shown to be unduly prejudicial or otherwise unlawful, but the rates for back hauls on cotton to compress points should be published on a uniform basis.

115. Practice of the Missouri Pacific and the Cotton Belt with respect to charges for the delivery of cotton at Memphis and at East St. Louis, Ill., subjects Memphis to undue disadvantage.

116. Class rates from St. Louis to points in southern Arkansas are unreasonable and unduly prejudicial to those points and unduly preferential of Pine Bluff and Little Rock.

117. Class rates from Natchez, Miss., to certain points on class A railroads in Arkansas are unreasonable and unduly prejudicial to Natchez and unduly preferential of Memphis and Little Rock.

118. Class rates from Monroe and Shreveport, La., to points on class A railroads in southern Arkansas are unreasonable, unduly prejudicial to Monroe and Shreveport and unduly preferential of competing points in Arkansas to the extent that they exceed for like distances the corresponding class rates applicable to intrastate traffic in Arkansas.

119. Allegation that class rates from groups of origin in western trunk line territory to Fort Smith, Ark., are unduly prejudicial to that point and unduly preferential of points in eastern Oklahoma, not sustained.

120. Class and commodity rates from certain territories in the southeast to points in Arkansas are unduly prejudicial to Arkansas and unduly preferential of certain points in Oklahoma.

121. Reasonable maximum class rates approved between Memphis, Tenn., and Kansas City, Mo.

122. Fourth section applications by which the carriers parties thereto seek authority to continue lower class and commodity rates to and from competitive points along the Mississippi River, St. Louis and south, than the rates to and from intermediate points, denied. Other fourth section applications considered and appropriate findings made.

123. Reasonable class rates established from New Orleans, La., to points in Arkansas, Oklahoma, and Missouri River cities.

124. Class and commodity rates from New Orleans to interior points in eastern Kansas are, under present conditions, unduly prejudicial to those points and unduly preferential of Kansas City. A proper alignment suggested.

125. Differentials over Kansas City approved for constructing class rates to Omaha from New Orleans. Differentials over Omaha also approved for constructing class rates from New Orleans to Sioux City.

126. Proposed increased class rates from St. Louis to points in Oklahoma not justified.

Virginia-Carolina Chemical Co. v. *Director General*, 55 I. C. C., 583.

127. Through rates on fertilizer, in carloads, from Mobile, Ala., to designated stations on the Southern Pacific lines in Louisiana found unreasonable and unduly prejudicial. Relationship of rates prescribed for the future and reparation awarded.

Globe Elevator Co. v. *Director General*, 55 I. C. C., 587.

128. The practice of the Delaware, Lackawanna & Western Railroad and Lehigh Valley Railroad, and of the Buffalo, Rochester & Pittsburgh Railroad prior to March 5, 1918, of refusing to absorb the switching charge of the Erie Railroad at Buffalo, N. Y., on shipments of transit grain or grain products to the same extent that they absorb or absorbed the switching charges of the New York Central Railroad or Buffalo Creek Railroad found to be and to have been unduly prejudicial to complainant, but not to have been the cause of damage to complainant on shipments of grain products. Reparation awarded on shipments of grain to points on defendants' rails which could not have been reached, at complainant's option and without disregard of routing instructions given by or delivery requirements of its consignees, by other routes which would have avoided the switching charge.

Waccamaw Lumber Co. v. *A. C. L. R. R. Co.*, 55 I. C. C., 595.

129. Rates on lumber, in carloads, from Bolton, N. C., to Norfolk and Pinners Point, Va., and points north thereof found to have been unreasonable. Reparation awarded.

Portland Cattle Loan Co. v. *Director General*, 55 I. C. C., 597.

130. Rates on cattle in carloads from Hereford and Abernathy, Tex., to Pocatello, Idaho, and Butte and Monida, Mont., found to have been unreasonable. Reparation awarded.

Cherrolet Motor Co. v. *Director General*, 55 I. C. C., 601.

131. Rate on gasoline engines, in carloads, from Flint, Mich., to Fort Worth, Tex., found to have been unreasonable to the extent that it exceeded the aggregate of the respective intermediate rates contemporaneously in effect to and from St. Louis, Mo., and other Mississippi River gateways. Reparation awarded.

Thomas Fruit Co. v. *Director General*, 55 I. C. C., 605.

132. Rate of 72 cents per 100 pounds on bananas, in carloads, from Mobile, Ala., and New Orleans, La., to Miami, Okla., between February 1, 1917, and October 10, 1917, found not unreasonable. Complaint dismissed.

Roxana Petroleum Co. v. *Director General*, 55 I. C. C., 607.

133. Rates applicable on tank-car loads of gasoline shipped from Cushing, Okla., to Little Rock, Ark., found unreasonable to the extent that they exceeded

or exceed the rates herein found reasonable. Reasonable maximum rate prescribed for the future. Reparation awarded.

Schlitz Brewing Co. v. *Director General*, 55 I. C. C., 610.

134. Rate of 14.2 cents per 100 pounds on beer, in carloads, from Milwaukee, Wis., to Dixon, Ill., not shown to have been unreasonable or otherwise unlawful. Complaint dismissed.

Du Pont de Nemours & Co. v. *Director General*, 55 I. C. C., 612.

135. Rate of 20 cents per 100 pounds legally applicable on sulphuric acid, in tank-car loads, from Hopewell, Va., to Gibbstown and Carneys Point, N. J., found to have been unreasonable to the extent that it exceeded 15.2 cents. Reparation awarded.

Lehigh Portland Cement Co. v. *Director General*, 55 I. C. C., 615.

136. Rates on portland cement, in carloads, from Chapman, Pa., to Lugoff, S. C., found to have been unreasonable to the extent that they exceeded the contemporaneous rates to Camden, S. C. Reparation awarded.

Holland Aniline Co. v. *P. M. Ry. Co.*, 55 I. C. C., 617.

137. Demurrage charge collected for detention of an interstate carload shipment of coal at Holland, Mich., found to have been unauthorized by tariff. Reparation awarded.

N. Y. Commission of Highways v. *Director General*, 55 I. C. C., 619.

138. Rates applied on various carload shipments of crushed stone from Tomkins Cove, N. Y., to points in the State of New York found to have been unjust and unreasonable to the extent that they exceeded the rates subsequently established.

139. Rates applied on certain carload shipments of sand and gravel from Buffalo, N. Y., to Ennerdale, Aloquin, and Flint, N. Y., found to have been unjust and unreasonable to the extent they exceeded 8 cents per 100 pounds subsequently established. This latter rate not found to have been or to be unjust or unreasonable.

140. Rates on crushed stone from North Le Roy, N. Y., to points shown in paragraph 2 not shown to have been or to be unjust or unreasonable.

National Pole Co. v. *A., T. & S. F. Ry. Co.*, 55 I. C. C., 625.

141. Rates on cedar poles and piling transported on more than one car, from points in Washington, Oregon, Idaho, Montana, and British Columbia to points in various states principally east of the Rocky Mountains, found to have been and to be unreasonable in so far as they exceeded and exceed the rates contemporaneously applicable on fir lumber in single carloads. Reparation awarded.

Campbell v. *So. Express Co.*, 55 I. C. C., 633.

142. Complainants have not filed a supplemental complaint making the Director General a party defendant, although opportunity has been afforded them to take such action. As the relief here sought is with respect to rates and service for the future, complaint is dismissed.

Garrett Lumber Co. v. *C. & O. Ry. Co.*, 55 I. C. C., 637.

143. Increased commodity rates on lumber in carloads from the Virginia cities to points in central freight association territory found justified. Increased sixth-class rates found not justified for application on lumber in carloads.

144. Fourth section applications for authority to continue the maintenance of lower rates on lumber from the Virginia cities to points in central freight association territory than from and to intermediate points denied via all lines as to points of origin, and via the direct lines as to points of destination, but granted, with qualifications, as to intermediate destinations reached by the indirect lines.

Murfreesboro Board of Trade v. *L. & N. R. R. Co.*, 55 I. C. C., 648.

Upon complaint that the class and commodity rates to Murfreesboro, Columbia, Dickson, Gallatin, Lebanon, and Watertown, Tenn., from various points are unreasonable, unduly prejudicial, and in violation of the long-and-short-haul clause of section 4 of the act, *Found:*

145. The rates attacked have not been shown to be unreasonable, and the defendants have justified the rates which have been increased since 1910.

146. The competition with the boat lines operating on the Cumberland, Ohio, and Mississippi rivers encountered by the defendants in transporting freight to Nashville is not of such a character as to control or to affect materially the rail rates to Nashville, Tenn.; applications for authority to continue lower rates to Nashville than to intermediate points denied.

147. The present adjustment of rates, under which through rates to the above points are generally made up of the rates to and from Nashville, results in undue prejudice to such points and undue preference of Nashville to the extent that through rates to such points exceed the rates contemporaneously maintained to Nashville plus 75 per cent of the local rates contemporaneously maintained from Nashville.

Kickapoo Sand & Gravel Co. v. *Director General*, 55 I. C. C., 657.

148. Rates on sand and gravel, in carloads, from Kickapoo, Ind., to Chicago, Ill., and points in the Chicago switching district, found to have been and to be unreasonable and unduly prejudicial. Reparation awarded.

Orange Rice Mill Co. v. *T. & N. O. R. R. Co.*, 55 I. C. C., 661.

149. Rate of 22 cents per 100 pounds on blackstrap molasses, in tank-car loads, from certain points in Louisiana to Orange and Beaumont, Tex., and present increased rates from and to the same points, found to have been and to be unreasonable to the extent that they exceeded or may exceed the rates contemporaneously applicable from Shreveport, La., to points in Texas for like distances. Relationship of rates prescribed and reparation awarded.

Carnation Milk Products Co. v. *Director General*, 55 I. C. C., 665.

150. Rates for the transportation between July 24, 1915, and July 19, 1916, of carload shipments of canned milk (condensed) from condensing plants in the state of Washington to various points in eleven other states not shown to have been unreasonable or unduly prejudicial. Complaint dismissed.

Interstate Iron & Steel Co. v. *Director General*, 55 I. C. C., 669.

151. Joint sixth-class rates applicable on mill cinder, in carloads, from East Chicago, Ind., to Detroit, Mich., found to have been and to be unreasonable. Reparation awarded and a reasonable relationship of rates prescribed for the future.

Hechtman v. *Director General*, 55 I. C. C., 672.

152. Rates on potatoes in carloads from Albany and Avon, Minn., to Creston, Iowa, and from Freeport, Minn., to Burlington, Iowa, found to have been and to be unreasonable to the extent that they exceeded or may exceed the aggregate of the intermediate rates subject to the act to regulate commerce contemporaneously in effect over the route of movement to and from St. Cloud, Minn. Reparation awarded and measure of reasonable maximum rates prescribed.

Miss. River & Bonne Terre Ry. v. *Director General*, 55 I. C. C., 674.

153. Through rates charged on shipments of railway fuel coal and commercial coal from mines in southern Illinois to destinations on the Mississippi River & Bonne Terre Railway in Missouri, composed of separately established proportional rates to and from East St. Louis, Ill., or Dupo, Ill., found unreasonable. Reparation awarded.

Mich. Paper Mills Traffic Asso. v. *N. Y. C. R. R. Co.*, 55 I. C. C., 679.

Upon further consideration of the former report herein, 53 I. C. C., 344, and of the schedules of rates submitted by carriers in response thereto, *Held:*

154. Undue prejudice against Kalamazoo and other complaining points and in favor of Virginia points, found in previous reports to exist, required to be removed.

155. Issues in this case too limited to permit entry of order prescribing specific class rates on printing, book, and wrapping paper, in carloads, for general application from and to points in eastern trunk line territory and between points in this territory and New England. Consideration of such rates should await submission by carriers of revised scale of class rates for use from and to these points or filing of appropriate complaints.

Kaw River Sand & Material Co. v. *A., T. & S. F. Ry. Co.*, 55 I. C. C., 683.

156. Charges for the transportation of sand, in carloads, from complainant's plant near Turner, Kans., to destinations within the switching limits of Kansas

City, Mo Kans., found unreasonable and relatively unreasonable to the extent that they exceed charges from Sirridge, Kans. Reasonable maximum rate prescribed. Reparation awarded.

Chamber of Commerce of Montgomery v. *Director General*, 55 I. C. C., 688.

157. Less-than-carload rates on iron and steel articles to Montgomery, Ala., from Louisville, Ky., Cincinnati, Ohio, and Evansville, Ind., St. Louis, Mo., East St Louis and Belleville, Ill., and points having rates based thereon, found unduly prejudicial. Undue prejudice ordered removed. Fourth section relief denied.

Sulzberger & Sons Co. v. *C., R. I. & P. Ry. Co.*, 55 I. C. C., 691.

158. Rates on fresh meats in straight carloads, or in mixed carloads with packing-house products, from Kansas City, Kans., to Oklahoma City, Okla., found to have been and to be unreasonable. Reasonable maximum rate prescribed for the future, reparation awarded, and fourth section relief denied.

Commercial Club of Carrollton v. *Director General*, 55 I. C. C., 697.

159. Class rates between points in trunk line territory and Carrollton, Ky., based upon the Cincinnati combinations, not shown to be unduly prejudicial to Carrollton and preferential of Madison, Ohio, and other Ohio River cities. Complaint dismissed.

Park v. *L. & N. R. R. Co.*, 55 I. C. C., 703.

160. Rates on shelled corn, in carloads, from Columbia, Aspen Hill, and Pulaski, Tenn., to New Orleans, La., not shown to have been unreasonable and complainant not shown to have been damaged by the alleged undue prejudice. Complaint dismissed.

161. Fourth section relief denied.

Helena Traffic Bureau v. *Director General*, 55 I. C. C., 708.

162. Rates on horses and mules, in carloads, from Springfield and Lockwood, Mo., and Belleville, Kans., to Helena, Ark., found to have been and to be unreasonable. Reparation awarded and reasonable rates prescribed.

Diamond Alkali Co. v. *Director General*, 55 I. C. C., 711.

163. Rates legally applicable on coal from Cowan, Pa., to Alkali, Ohio, found to have been unreasonable prior to March 27, 1917. Undercharges waived. Complaint dismissed.

Zelnicker Supply Co. v. *M. P. R. R. Corp.*, 55 I. C. C., 715.

164. Two carloads of rails and fastenings from Banks, Ark., to East St. Louis, Ill., found not to have been misrouted; charges thereon not shown to have been unreasonable or otherwise unlawful. Complaint dismissed.

Compton Coal Co. v. *D. & R. G. R. R. Co.*, 55 I. C. C., 718.

165. Rates charged for the transportation of coal in carloads from Castle Gate, Helper, Price, and Sunnyside, Utah, to Boise, Nampa, and Caldwell, Idaho, not shown to have been unreasonable. Complainants not shown to have been damaged by the discrimination alleged. Complaints dismissed.

Frame & Co. v. *Director General*, 55 I. C. C., 721.

166. Rate on ginger and on pepper, cassia, and nutmegs, unground, in carloads, from Seattle and Tacoma, Wash., to New York, N. Y., and various other points in eastern defined territory found to have been unreasonable. Reparation awarded.

Excelsior Powder Mfg. Co. v. *Director General*, 55 I. C. C., 725.

167. Former equality in import rates between Holmes, Mo., and Joplin, Mo., for the transportation of carload shipments of nitrate of soda from Pensacola, Fla., and New Orleans, La., ordered restored.

168. Rate of 30 cents per 100 pounds for the transportation of carload shipments of nitrate of soda from Pensacola and New Orleans to Holmes not shown to be unreasonable under section 1 of the act.

169. Reparation denied.

Korchmer Iron & Metal Co. v. *Director General*, 55 I. C. C., 730.

170. Rate of 51 cents per 100 pounds for the transportation of scrap iron, in carloads, from Texarkana, Ark.-Tex., to Chicago, Ill., found to have been unreasonable to the extent that it exceeded 30 cents, the rate contemporaneously in effect from Texas common points to Chicago. Reparation awarded.

Portland Traffic & Trans. Asso. v. *B. & M. R. R.*, 55 I. C. C., 733.

171. Rates on O'Cedar polish and various wax furniture and floor polishes, in metal cans, in boxes, in less than carloads, from Chicago, Ill., Racine, Wis., Cincinnati, Ohio, and Boston, Mass., to Portland, Oreg.; and on O'Cedar polish in metal cans, in boxes, and in glass, in boxes, on mops, and on mop handles, in less than carloads and in straight carloads, from Chicago, Ill., to Pacific coast terminals; found to have been unreasonable. Reparation awarded.

172. Absence of mixed carload rates on O'Cedar polish, mops, and mop handles not found to have caused unreasonable charges in the past, but reasonable maximum basis prescribed for the future.

Butterfield Co. v. *N. O. & N. E. R. R. Co.*, 55 I. C. C., 741.

173. Demurrage charges at East St. Louis, Ill., on one carload of lumber shipped from Tyler, Miss., to St. Louis, Mo., found to have been illegal. Reparation awarded.

Bennett Grain Co. v. *Director General*, 55 I. C. C., 744.

174. Charges on coal, in carloads, from Benton and Zeigler, Ill., to points in South Dakota and Minnesota, reconsigned en route to other points in those States, found to have been unreasonable to the extent that they exceeded the joint through rates plus a reconsignment charge. Reparation awarded.

Haley & Lang Co. v. *Amer. Express Co.*, 55 I. C. C., 747.

175. Rates charged for the transportation of one carload of cherries and one carload of fresh strawberries from White Salmon, Wash., to Sioux Falls, S. Dak., found unreasonable. Reparation awarded.

Gamble Robinson Co. v. *N. P. R. Co.*, 55 I. C. C., 749.

176. Rate of $1.38 per 100 pounds charged on a mixed carload of oranges and lemons from Lindsay, Calif., to Sidney, Mont., found to have been unreasonable to the extent that it exceeded $1.15. Reparation awarded.

Lowry Lumber Co. v. *Director General*, 55 I. C. C., 751.

177. Charges on a carload of lumber from Medenhall, Miss., to Cairo, Ill., reconsigned to Partridge, Kans., found to have been unreasonable to the extent that they exceeded the charges at the joint through rate plus $2 for reconsignment.

Sunland Oil Co. v. *Director General*, 55 I. C. C., 753.

178. Rate of 95 cents per 100 pounds on gasoline, in carloads, from Wilson, Okla., to El Paso, Tex., found to have been unreasonable to the extent that it exceeded 44.5 cents. Reparation awarded.

Railway-mail pay, 56 I. C. C., 1.

179. The space-basis system to govern the transportation of the mails of the country by railroad, inaugurated by the act of July 28, 1916, 39 Stat., 412, 425–431, found fair and reasonable, and its extension to all mail routes required.

180. Fair and reasonable rates prescribed for the different classes of mail service.

181. Initial and terminal allowances required to be discontinued, payment therefor included in the line-haul rates.

182. Side, terminal, and transfer services to be paid for separately on ascertainment of cost of such services.

183. Rules prescribed with respect to authorizations designed to simplify and make definite the procedure by the Post Office Department.

184. Short-line railroads considered separately and higher rates prescribed for them than are prescribed generally.

United States v. *B. L. R. R. Co.*, 56 I. C. C., 121.

185. Refusal of defendant trunk lines to absorb, on interstate traffic to and from complainant's docks west of Van Ness avenue in San Francisco, Calif., the switching charges of a belt line owned and operated by the State of California, while contemporaneously absorbing that line's switching charges on like traffic to and from points east of Van Ness avenue, found to be unjustly discriminatory. Reparation denied.

Cannon Mfg. Co. v. *S. Ry. Co.*, 56 I. C. C., 128.

186. Rail-water-and-rail rates on tobacco shade cloth in any quantity from Concord, N. C., to points in Connecticut and Massachusetts found to have been unreasonable. Reparation awarded.

Rates on Grain and Grain Products from Northwestern points, 56 I. C. C., 133.

187. At the request of the Director General of Railroads made in accordance with the provisions of section 8 of the Federal control act, the Commission expresses its views respecting a general readjustment of northwestern grain rates proposed by him.

Traffic Bureau, Aberdeen Commercial Club v. *Director General*, 56 I. C. C., 147.

188. Interstate class and commodity rates to and from Aberdeen from and to points south and southwest thereof found unreasonable and unduly prejudicial.

189. Interstate class and commodity rates from points in the east and southeast to Aberdeen found unreasonable and unduly prejudicial.

190. Reasonable and nonprejudicial rates prescribed for the future including proportional rates from Mississippi River crossings.

Empire Steel & Iron Co. v. *Director General*, 56 I. C. C., 158.

191. The Mount Hope Mineral Railroad and the Ironton Railroad held to be common carriers.

192. The application of rates on iron ore and other traffic from and to Mount Hope Mineral Railroad stations, made in combination on Wharton, N. J., not shown to be or to have been unreasonable or unduly prejudicial, and increased rates in effect since June 25, 1918, found to have been justified.

193. The maintenance of junction-point rates on coal to points on the Morristown & Erie Railroad while contemporaneously refusing to maintain the junction-point rates on coal to points on the Mineral Railroad found unduly prejudicial to complaining interests.

194. Prayer for joint rates denied.

195. Charges in excess of the joint rates to Hokendauqua, Pa., on certain shipments found to have been illegal.

196. Refusal of trunk lines to maintain joint rates including terminal and spotting services to and from the Thomas Iron Company's furnace tracks at Hokendauqua, Pa., while at the same time maintaining such rates including terminal services at competitive furnace points in eastern Pennsylvania found unduly prejudicial.

197. Practice on the part of trunk lines of assessing demurrage charges at Hokendauqua predicated upon the time of placement upon interchange tracks and application individually by the trunk lines of the average rule found unreasonable and unduly prejudicial.

198. Reparation awarded on Hokendauqua traffic.

199. Failure of trunk lines to compensate the Thomas Iron Company for services heretofore performed by the Thomas Iron Company in the delivery of outbound traffic to the trunk lines at Hokendauqua found not to have been unreasonable or unduly prejudicial but the Thomas Iron Company held to be entitled to reasonable compensation for future performance of such services.

200. Noncompensation of the Thomas Iron Company by the Philadelphia & Reading Railway for services rendered by the former prior to January 9, 1919, in the switching and placement of inbound traffic at Hellertown, Pa., found not to have subjected the iron company to unreasonable practices or undue prejudice.

201. The assessment of demurrage charges at Hellertown by the Philadelphia & Reading Railway predicated upon the time of placement of cars on interchange tracks found not to have been unreasonable or unduly prejudicial.

Amer. Smelting & Ref. Co. v. *L. V. R. R. Co.*, 56 I. C. C., 195.

Upon a complaint which alleges that complainant, for its own plant purposes, had used certain cars, said cars being of the standard carrier equipment provided for transportation; and that the defendant had charged for the detention of said cars under its demurrage tariff, although no tariff provided any charge for such use, *Held:*

202. To permit complainant to detain cars for plant use at charges less than those paid by others for detentions of similar duration would be unlawful.

203. Tariff provisions in force during period of detention interpreted.

204. Demurrage rules and charges not shown to have been unreasonable or otherwise unlawful.

Illinois Classification, 56 I. C. C., 202.

205. Recommended that the Director General accept our findings with respect to certain fifteenth section applications as supplementary to our report

in *Illinois Classification*, 55 I. C. C., 290, with respect to the Illinois classification, and the class and commodity rates in effect between points in Illinois territory.

206. Application No. 8932, with respect to class rates in southeastern and in northwestern Illinois territory and between the two, granted with respect to a certain portion and denied with respect to the scale of rates proposed for northwestern Illinois territory and in other particulars.

207. Application No. 8933 granted upon condition that the rates on iron and steel articles, manufactured, between points in Indiana and between points in Indiana and Illinois be revised by reverting to basis in effect prior to October 26, 1914, and adding the equivalent of the 5, 15, and 25 per cent advances.

208. Application No. 8934 granted with respect to rates on lime between points in Illinois territory.

209. Application No. 8935, providing for the cancellation of commodity rates on fruit jars, in carloads, from Hillsboro, Ill., to Illinois territory, granted.

210. Application No. 8938, substituting class for commodity rates on boots, shoes, and findings in less than carloads, granted, subject to findings with respect to application No. 8932.

211. Application No. 8939, providing rates on brick in carloads from Danville, Ill., to points in Illinois territory, denied in part.

Sugar Land Mfg. Co. v. *B., S. L. & W. Ry. Co.*, 56 I. C. C., 212.

212. Rates on cottonseed hulls, including ground cottonseed hulls, in carloads, from Little Rock and North Little Rock, Ark., to Sugar Land, Tex., found to have been and to be unreasonable and unduly prejudicial. Reparation awarded and reasonable rates prescribed for the future.

Pure Oil Co. v. *Director General*, 56 I. C. C., 218.

213. Rate applicable to the transportation of petroleum or its products, in carloads, from midcontinent oil field of Kansas and Oklahoma to Minneapolis and Willmar, Minn., found to be unreasonable and unduly prejudicial when applied to the transportation of crude, gas, and fuel oils, in carloads, to the extent that it exceeds 5 cents per 100 pounds less than the rate contemporaneously maintained from and to the same points on refined oil.

214. The rate applicable to petroleum or its products from and to the same points not shown to be unreasonable or unduly prejudicial when applied to the transportation of distillate, i. e., unfinished kerosene.

Model Mill Co. v. *Director General*, 56 I. C. C., 227.

215. Rates charged on shipments of wheat from Cayce, Jordan, and Moscow, Ky., to Kenton, Tenn., found unreasonable to the extent that they exceeded the rates contemporaneously maintained to Trenton, Tenn. Reparation awarded.

216. Fourth section relief denied.

Lowry Lumber Co. v. *Director General*, 56 I. C. C., 229.

217. Charges collected on a carload of lumber from Westlake, Ala., to Mounds, Ill., and reconsigned thence to Hannibal, Mo., not found to have been illegal. Complaint dismissed.

Du Pont de Nemours & Co. v. *P. & R. R. Co.*, 56 I. C. C., 231.

218. Charges on two carloads of palm flour in bags from Gibbstown, N. J., to American Lake, Wash., found unreasonable. Reparation awarded.

Du Pont de Nemours & Co. v. *Director General*, 56 I. C. C., 233.

219. Rate on imported nitrate of soda, in bags, in carloads, from Norfolk, Va., to Carneys Point, N. J., found unreasonable to the extent that it exceeded the aggregate of contemporaneous intermediate rates to and beyond Philadelphia, Pa. Reparation awarded.

Bartlett-Collins Glass Co. v. *St. L.-S. F. Ry. Co.*, 56 I. C. C., 236.

220. Rates on glass bottles, fruit jars, and glassware, as defined in the report, found to be unduly prejudicial to Sapulpa and Sand Springs, Okla., and San Antonio, Tex., and the shippers there located, to the extent that they exceed for like distances the rates contemporaneously in effect from Shreveport, La., to points in Texas.

221. Rates on the same commodities from and to the same points not found to have been or to be intrinsically unreasonable, or to have been unduly prejudicial or preferential except that from Sapulpa the rates on glass bottles and

fruit jars are found to have been unduly prejudicial to the extent that they exceeded for like distances the rates contemporaneously in effect from Blackwell and Poteau, Okla.

222. Reparation denied and consideration of fourth section applications deferred.

Pacific Eng. & Cons. Co. v. *C., R. I. & P. Ry. Co.*, 56 I. C. C., 247.

223. Transportation charge of $90 per car on privately owned railway cars which moved on their own wheels under load, assessed for hauls from the Missouri River to points on and near the Pacific coast, in addition to the charges collected on the lading, not found unreasonable or otherwise in violation of the act. Complaints dismissed.

Skilton v. *Director General*, 56 I. C. C., 251.

224. Demurrage charges on cars held at reconsignment point because of embargo at points to which the reconsignment was ordered found to have been collected without tariff authority. Reparation awarded.

Palmolive Co. v. *Director General*, 56 I. C. C., 253.

225. First-class rating in the western classification and the resulting rates on Palmolive shampoo, in less than carloads, found to have been legally applicable and not found unreasonable. Complaint dismissed.

Weaver Bros. & Looney v. *Director General*, 56 I. C. C., 255.

226. Rate on a locomotive from Emerson, Ark., to Couchwood, La., found to have been unreasonable. Reparation awarded.

Aetna Explosives Co. v. *Director General*, 56 I. C. C., 257.

227. Rate on high explosives in carloads from Sinnemahoning, Pa., to Ashland, Ky., found not to have been or to be unreasonable. Complaint dismissed.

Germain Co. v. *Director General*, 56 I C. C., 259.

228. Carloads of yellow-pine crossties shipped from various Georgia and Florida points to Martinsburg, W. Va., and Locust Point (Baltimore), Md., found not to have been misrouted. Complaint dismissed.

Natchez Chamber of Commerce v. *Director General*, 56 I. C. C., 261.

229. Reconsignment charge on four carloads of bagging shipped from Ludlow, Mass., to Natchez, Miss., and reconsigned to Vicksburg, Miss., not found to have been or to be unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

So. Cotton Oil Co. v. *Director General*, 56 I. C. C., 263.

230. Rates on coconut oil in tank-car loads from Charleston, S. C., to Babbitt, N. J., Buffalo, N. Y., and Savannah, Ga., found to have been unreasonable. Reparation awarded.

Naylor & Co. v. *C., N. O. & T. P. Ry. Co.*, 56 I. C. C., 265.

231. Claim for reparation not presented formally until more than two years after the cause of action accrued and more than six months after notice to the claimant that it could not be adjusted informally, found to have been abandoned. Complaint dismissed.

Amer. Fluorspar Mining, L. & T. Co. v. *Director General*, 56 I. C. C., 267.

232. Rate of 52 cents per 100 pounds on fluorspar, in carloads, from Wagon Wheel Gap, Colo., to East St. Louis, Ill., found to have been unreasonable to the extent that it exceeded 29.75 cents. Reparation awarded.

Kansas Oil Ref. Co. v. *Director General*, 56 I. C. C., 269.

233. Rates on refined petroleum oil and gasoline, in carloads, from Coffeyville, Kans., to Garden City, Mo., found to have been unreasonable. Reparation awarded and measure of reasonable maximum rate prescribed.

Darragh Co. v. *St. L., I. M. & Ry. Co.*, 56 I. C. C., 282.

234. Rates on blackstrap molasses, in tank cars, from New Orleans and other points in Louisiana taking the same rates to Little Rock, Ark., not found to have been unreasonable or unduly prejudicial. Complaint dismissed.

McCloud River Ry. Co. v. *S. P. Co.*, 56 I. C. C., 287.

235. Charge of $90 each on 15 of complainant's new cars under load, for the haul from Missouri River points westward, independent of the charges on the

freight shipped in the cars by others from Chicago, Ill., and Gary, Ind., to points in California and Oregon, not found unreasonable or otherwise in violation of the act. Complaint dismissed.

Canton Chamber of Commerce v. *Pa. Co.*, 56 I. C. C., 293.

236. Rates via the lines of the Pennsylvania Co., for the transportation of bituminous coal from the Pittsburgh and Connellsville districts in Pennsylvania found to subject Canton, Ohio, to undue prejudice and disadvantage and to unduly prefer Youngstown and Cleveland, Ohio.

Gwinn Bros. & Co. v. *C. & O. Ry. Co.*, 56 I. C. C., 298.

237. Shipments of wheat from Chicago, Ill., milled at Huntington, W. Va., and the product forwarded thence to destinations on the line of the Chesapeake & Ohio Railway in Virginia and West Virginia found to have been misrouted. Reparation awarded.

238. Prayer for the establishment of transit at Huntington in connection with through rates over the route of movement denied.

Rath Packing Co. v. *I. C. R. R. Co.*, 56 I. C. C., 303.

239. Rates on fresh meats in straight or mixed carloads from Waterloo, Iowa, to Minneapolis and St Paul, Minn., not found unjust or unreasonable.

240. Rates on packing-house products from Waterloo, Iowa, to Minneapolis and St. Paul, Minn., found unreasonable to the extent they exceeded or may exceed the contemporaneous fifth-class rate. Reparation awarded.

Swift & Co. v. *Director General*, 56 I. C. C., 309.

241. Upon complaint that the exaction by defendants of a delivery charge of $2.50 per car in addition to the line-haul rate on live stock shipped from points in Missouri to complainants' plants located on the Missouri Pacific, Chicago, Rock Island & Pacific, and Wabash railroads in St. Louis, Mo., results in charges that are unreasonable, unduly prejudicial, and not justified by our order in *Dimmitt-Candle-Smith Live Stock Commission Co.* v. *R. R. Co.*, 47 I. C. C., 287; *Held*, That the exaction of such a charge is not shown to be unreasonable, unduly prejudicial, or otherwise unlawful.

242. Determination of certain jurisdictional features not considered necessary to the disposition of these cases. Complaints dismissed.

Lumber Carload Minima, 56 I. C. C., 318.

243. The practice of applying cubical capacity minima on shipments of lumber and other forest products from the Pacific northwest and inland empire found indefensible.

Green Bay Asso. of Commerce v. *C. & N. W. Ry. Co.*, 56 I. C. C., 326.

244. Class rates from Green Bay, Wis., to points in the upper peninsula of Michigan found unjust, unreasonable, and unduly prejudicial to the extent that they exceed rates based on 110 per cent of what is known as the Wisconsin interstate scale.

Du Pont de Nemours & Co. v. *H. & B. V. Ry. Co.*, 56 I. C. C., 334.

245. Rates charged prior to March 10, 1916, on shipments of crude sulphur, in carloads, from Bryanmound, Tex., to Hopewell, Va., found unreasonable. Reparation awarded.

246. Rates on crude sulphur from Byranmound to Hopewell and points in Pennsylvania and New Jersey, in effect on and after March 10, 1916, found not unreasonable or unduly prejudicial.

Brunswick-Balke-Collender Co. v. *C. G. W. R. R. Co.*, 56 I. C. C., 340.

247. First-class rating and rates, any quantity, on talking machines from Dubuque, Iowa, to Atlanta, Ga., Memphis, Tenn., and New Orleans, La., as applied on carload shipments, not found to have been unreasonable in the past, but found unreasonable for the present and future to the extent that they exceed second-class rating and rates, minimum 16,000 pounds.

Wood Curtis Co. v. *S. P. Co.*, 56 I. C. C., 344.

248. Rates on potatoes, in carloads, from Marshfield and other points in Oregon on the Coos Bay branch of the Southern Pacific Company to points in California found to have been illegal to the extent that they exceeded 35 cents per 100 pounds. Reparation awarded.

Claims for Loss and Damage of Grain, 56 I. C. C., 347.

249. Specifications and rules for the handling of bulk grain in interstate commerce, and the filing, investigation, and disposition of claims for loss and damage incident thereto, tentatively indorsed.

Nat. Council of Farmers' Cooperative Assos. v. *Director General*, 56 I. C. C., 399.

250. Prior to June 25, 1918, defendants maintained lower carload rates on coarse grain (corn, oats, rye, and barley) than on wheat from and to certain points in Illinois, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, and Colorado. On that date the rates on wheat were increased 25 per cent, maximum 6 cents per 100 pounds, and the rates on coarse grain were made the same as the increased wheat rates. Upon complaint that the present basis of rates on coarse grain is unreasonable and unduly prejudicial: *Held*, That the rates assailed have been justified by defendants. Complaint dismissed.

Portland Traff. & Trans. Asso. v. *O.-W. R. R. & N. Co.*, 56 I. C. C., 410.

251. Rates applicable on rubber soles and heels, in boxes, in less than carloads, from Portland, Oreg., to points in eastern transcontinental groups, found to be unduly and unreasonably prejudicial as compared with the rates contemporaneously maintained from points in eastern transcontinental groups to Portland upon the same commodities.

Crown Willamette Paper Co. v. *W. T. & T. Co.*, 56 I. C. C., 415.

252. Rates of $1 per 100 pounds charged on certains shipments of paper bags, newsprint paper and wrapping paper, in mixed carloads, from Camas, Wash., to various points in Arizona not shown to have been unreasonable. Complaint dismissed.

Hormel & Co. v. *C. G. W. R. R. Co.*, 56 I. C. C., 419.

253. Rates on cattle and hogs, carloads, from South Omaha, Nebr., to Austin, Minn., found unduly prejudicial as compared with the rates on like traffic from South Omaha to Mason City, Iowa. Undue prejudice ordered removed. Reparation denied.

Illinois Coal Traffic Bureau v. *Director General*, 56 I. C. C., 426.

254. Rates for the transportation of water, in carloads, within the State of Illinois in effect since June 25, 1918, found unreasonable to the extent that they exceeded or exceed the scale of rates prescribed herein. Reparation awarded.

Joyce-Watkins Co. v. *Director General*, 56 I. C. C., 433.

255. Charges on railroad crossties in carloads from Evansville, Ind., to Hamilton, Ohio, treated in transit at Terre Haute, Ind., found not to have been unreasonable or unduly prejudicial. Complaint dismissed.

Price & Co. v. *A., T. & S. F. Ry. Co.*, 56 I. C. C., 435.

256. Limitation of 30 days in former export bill of lading upon time of filing claims for loss and damage found unreasonable and unduly prejudicial; limitation of four months, subsequently provided, found not unreasonable or unduly prejudicial; carriers' practice of construing "delivery" as delivery at port of export found not unreasonable. Complaint dismissed.

Blackburn & Co. v. *A. & R. R. Co.*, 56 I. C. C., 439.

257. Four months limitation formerly in the domestic bill of lading upon time within which claims for loss, damage, or delay could be filed not shown to have been unreasonable as applied to shipments involved.

Roessler & Hasslacher Chemical Co. v. *Director General*, 56 I. C. C., 441.

258. Demurrage charges assessed for the detention at Bush docks, Brooklyn, N. Y., of a carload of sodium peroxide and oxone shipped interstate from Niagara Falls, N. Y., and of a carload of zinc chloride from Cleveland, Ohio, found to have been illegal. Reparation awarded.

Dewey Portland Cement Co. v. *A., T. & S. F. Ry. Co.*, 56 I. C. C., 444.

259. Reparation awarded on shipments of portland cement in carloads from Dewey, Okla., to Ceylon and Elmore, Minn.

Perishable Freight Investigation, 56 I. C. C., 449.

260. The Commission, after investigation made at the request of the Director General of Railroads concerning "Perishable Protective Tariff No. I," which

proposes to unify and publish in one volume all the rules and regulations applicable to the protection of perishable freight from heat or cold on the lines of federally controlled carriers throughout the United States, and to establish specific charges therefor, has reached conclusions the more general of which are summarized in Part IV of the following report. Specific conclusions with respect to the rules and regulations proposed are stated in Part III.

Dow Chemical Co. v. *Director General*, 56 I. C. C., 672.

261. Rates on magnesium chloride, bromides, bromine, and calcium chloride from Midland, Mich., to trunk line and New England territories found unduly prejudicial to the extent that they exceed the rates contemporaneously maintained by defendants on like traffic from Bay City and Saginaw, Mich., to the same destinations. No damage shown and reparation denied.

Crown Willamette Paper Co. v. *Director General*, 56 I. C. C., 682.

262. Charges collected on washed china clay, in carloads, from Winthrop, Ga., billed from Dry Branch, Ga., to Camas, Wash., and Pulp and Portland, Oreg., found to have been unreasonable. Reparation awarded.

Lackawanna Steel Co. v. *S. B. Ry. Co.*, 56 I. C. C., 684.

263. South Buffalo Railway Company found to be a common carrier of property subject to the act to regulate commerce, which may lawfully receive from its trunk line connections compensation out of the through interstate rates to and from points on its line in the form of divisions of joint rates, or of absorptions of its switching charges under appropriate tariff provision, such divisions or absorptions to be just and reasonable. Other issues reserved for determination upon a fuller record.

Illinois Classification, 56 I. C. C., 687.

264. Recommendation to the Director General with respect to rates on brick, other than common, from certain points in Illinois and Indiana to Chicago, Ill.

Rates on Grain and Grain Products from N. W. Points, 56 I. C. C., 689.

265. Upon reargument of the proceeding reported in 56 I. C. C., 133, certain modifications made in the Commission's recommendations to the Director General of Railroads concerning a proposed general readjustment of northwestern grain rates.

Utilities Development Corp. v. *P., C., C. & St. L. R. R. Co.*, 56 I. C. C., 694.

266. Rate of 70 cents per net ton on run-of-mine bituminous coal, in carloads, from Bicknell, Ind., to Edwardsport, Ind., initiated by the Director General of Railroads, effective June 25, 1918, found unreasonable to the extent that it exceeds or may exceed 40 cents per net ton. Reparation awarded.

Plymouth Coal Co. v. *P. R. R. Co.*, 756 I. C. C., 699.

267. Rates applicable from April 9, 1910, to March 31, 1916, inclusive, on anthracite coal in carloads from Plymouth, Luzerne, and Kingston, in the Wyoming coal region of Pennsylvania, to South Amboy, N. J., f. o. b. vessel for transshipment, found not to have been unreasonable.

268. Rates applicable on the same commodity during the same period from the same points to New York lighterage station, New Jersey, f. o. b. vessels, found to have been unreasonable to the extent that they exceeded, per ton of 2,240 pounds, $1.45 on prepared sizes and $1.35 on smaller sizes. Reparation awarded.

269. The maintenance of the rates under attack, as compared with rates contemporaneously in effect from other anthracite-coal regions to tidewater, not shown to have resulted in undue prejudice or undue preference.

City of Warrenton v. *Director General*, 56 I. C. C., 714.

270. Class and commodity rates between Warrenton, Oreg., on the one hand, and inland empire points and points east thereof, on the other, not found to be unjust or unreasonable.

271. Eastbound transcontinental class rates from Warrenton; eastbound and westbound transcontinental commodity rates from or to Warrenton; class and commodity rates from the so-called median territory to Warrenton; also commodity rates on lumber and canned fish, in carloads, from Warrenton to inland empire points and points east thereof, found unduly prejudicial to Warrenton to the extent that those rates exceed or may exceed corresponding rates contemporaneously maintained to or from Astoria, Oreg.

New Albany Box & Basket Co. v. *Amer. Ry. Exp. Co.*, 56 I. C. C., 720.

272. The application of first-class rating to shipments by express of fruit and vegetable baskets, nested, found not unreasonable and complaint dismissed.

Steel Cities Chemical Co. v. *Director General*, 56 I. C. C., 723.

273. Rate charged on shipments of sulphuric acid, in tank cars, from Hopewell, Va., to points in Alabama found to have been unreasonable. Reparation awarded.

General Fire Extinguisher Co. v. *Director General*, 56 I. C. C., 727.

274. Defendants' rules governing carload minima and mixtures, applicable to shipments of wrought and cast iron pipe, pipe fittings, couplings, etc., from Chicago, Ill., Warren, Ohio, and Warwood, W. Va., to points in western classification territory, found to have been and to be unreasonable to the extent that they prevent mixtures of the commodities. Reparation awarded.

Richardson Co. v. *Director General*, 56 I. C. C., 731.

275. Complaint attacking the tariff allowance to private lighters for handling china clay, in bulk, in New York harbor as in violation of sections 1 and 2 of the act to regulate commerce and section 10 of the Federal control act, held not sustained. Complaint dismissed.

Regulations for the Transportation of Explosives, etc., 56 I. C. C., 734.

276. Upon petition for modification of the regulations for the transportation of phosgene; *Held*, That the specifications heretofore prescribed are essential in the interests of public safety.

277. Regulations for the transportation of chlorine and sulphur dioxide modified.

278. Regulations for the transportation of methyl chloride and hydrocyanic or prussic acid prescribed.

279. Regulations for the transportation of compressed gases modified so as to exempt from their operation refrigerating machines containing small quantities of gas.

P., A. & McK. R. R. R. Co. v. *Director General*, 57 I. C. C., 1.

280. Pittsburgh, Allegheny & McKees Rocks Railroad Company found to be a common carrier which may lawfully participate in joint rates with other common carriers or have its charges on interstate shipments absorbed under proper tariff provision by the roads having the line haul. Its compensation should not be more than is reasonable.

Helena Traffic Bureau v. *St. L., I. M. & S. Ry. Co.*, 57 I. C. C., 11.

281. Rates from St. Louis, Mo., and points in so-called defined territories the rates from which base on St. Louis to Helena, Ark., found to be unduly prejudicial to Helena and unduly preferential of Memphis, Tenn. Nonprejudicial basis of rates prescribed for the future.

Atwood Refining Co. v. *Director General*, 57 I. C. C., 22.

282. Rate of 32.5 cents per 100 pounds charged on shipments of crude petroleum, in tank cars, from Burkburnett, Tex., to Oklahoma City, Okla., in September and October, 1918, found to have been unreasonable to the extent that it exceeded 22.5 cents. Reparation awarded.

Three States Tie Co. v. *C. & E. I. R. R. Co.*, 57 I. C. C., 24.

283. Rate on crossties, in carloads, from St. Elmo and other points in Illinois to Chicago, Ill., stopped at Terre Haute, Ind., for creosoting, found to have been unreasonable. Reparation awarded.

Bowden Co. v. *Director General*, 57 I. C. C., 31.

284. Following *Virginia Pine Timber Co.* v. *N. Y., P. & N. R. R. Co.*, 50 I. C. C., 327, and 52 I. C. C., 249, rates on mine props from points of origin in the eastern shore territory of Virginia, Delaware, and Maryland to Shenandoah, Pa., and points taking same rates found to have been unreasonable. Reparation awarded.

Armstrong v. *N. Y., P. & N. R. R. Co.*, 57 I. C. C., 35.

285. Rates on mine props, in carloads, from points in Maryland, Virginia, and Delaware to points in Pennsylvania found to have been unreasonable. Reparation awarded.

Paducah Board of Trade v. *I. C. R. R. Co.*, 51 I. C. C., 37.

286. Rate of 22.5 cents per 100 pounds charged on 19 carloads of staves from Brilliant, Ala., to Paducah, Ky., found to have been unreasonable to the extent that it exceeded 14.5 cents. Reparation awarded.

Assets Realizing Mines Corp. v. *A., T. & S. F. Ry. Co.*, 57 I. C. C., 39.

287. Rate legally applicable on a carload of secondhand mining machinery, from Millers, Nev., to Blythe Junction, Calif., found not to have been unreasonable. Complaint dismissed.

Procter & Gamble Co. v. *Director General*, 57 I. C. C., 42.

288. Rate on soya-bean oil in tank-car loads from Los Angeles, Calif., to Ivorydale, Ohio, found to have been unreasonable. Reparation awarded.

San Antonio Freight Bureau v. *Director General*, 57 I. C. C., 45.

289. Defendants' tariff rule providing minimum weights on carload shipments of lignite between points in Texas found to have been unreasonable. Reparation awarded.

Texas Co. v. *Director General*, 57 I. C. C., 48.

290. Reparation awarded for demurrage charges unlawfully collected at Chester, Pa., on seven tank cars of gasoline from Sistersville, W. Va., to Marcus, Hook, Pa.

Dahlstrom Metallic Door Co. v. *E. R. R. Co.*, 57 I. C. C., 52.

291. Previous report in this case slightly modified in part upon further consideration.

Du Pont de Nemours Powder Co. v. *Director General*, 57 I. C. C., 54.

292. Rates on cotton linters and cottonseed-hull shavings, in carloads, and on sulphuric acid, in tank-car loads, from points in southeastern and Carolina territories to Hopewell, Va., not found to have been unreasonable or unjustly discriminatory. Present rates on cottonseed-hull shavings and sulphuric acid from and to the same points not found to be unreasonable or unjustly discriminatory. Complaints dismissed.

Jobbers' & Mnfrs' Bureau v. *A. C. R. R. Co.*, 57 I. C. C., 64.

293. Class and commodity rates between Huntington, W. Va., and points in trunk lines and New England territories, based on 87 per cent of the Chicago-New York and the New York-Chicago rates, found unreasonable and unduly prejudicial to the extent that they exceed 82 per cent of such base rates.

294. Commodity rates on glass bottles from Huntington to eastern cities found unduly prejudicial to the extent they exceed the rates contemporaneously in effect from Charleston, W. Va., by more than 3 per cent of the Chicago-New York rate.

Board of Trade of Portsmouth v. *A. C. R. R. Co.*, 57 I. C. C., 78.

295. Class and commodity rates between Portsmouth, Ohio, and Ashland, Ky., and points in trunk line and New England territories based on 87 per cent of the Chicago-New York and New York-Chicago rates found unreasonable and unduly prejudicial to the extent that they exceed 82 per cent of such base rates.

Amer. International Shipbuilding Corp. v. *P. R. R. Co.*, 57 I. C. C., 90.

296. Request for order compelling defendants either to render spotting service at Hog Island shipyard, near Philadelphia, Pa., without charge in addition to the line-haul rates, or to make allowance to complainant therefor, denied. Complaint dismissed.

Delray Connecting Railroad Company, 57 I. C. C., 97.

297. Delray Connecting Railroad Company found to be a common carrier of property subject to the act to regulate commerce which may lawfully receive from its trunk line connections divisions of joint rates or absorptions of switching charges under appropriate tariffs, such divisions or absorptions to be reasonable.

Meridian Traffic Bureau v. *Director General*, 57 I. C. C., 107.

298. Class and commodity rates from Ohio and Mississippi river crossings, Chicago, Ill., and related points found to be unduly prejudicial to Meridian,

Miss., and unduly preferential of New Orleans, La., Mobile, Ala., and Vicksburg, Miss.

299. Class rates from Chicago and Cairo, Ill., St. Louis, Mo., and Louisville, Ky., and rates on grain and grain products from Cairo and St. Louis found to be unduly prejudicial to Jackson, Miss., and unduly preferential of New Orleans, La., and Vicksburg and Natchez, Miss.

300. The revision of rates necessitated by denial in the *Memphis-Southwestern Investigation*, 55 I. C. C., 515, of applications for permission to maintain rates from St. Louis, Mo., to New Orleans, La., lower than those applicable from, to, or between intermediate points will go far to remove the cause of complaint; therefore no orders are necessary at this time.

Chamber of Commerce, Moss Point, v. *L. & N. R. R. Co.*, 57 I. C. C., 112.

301. Upon complaint alleging Pascagoula and Moss Point, Miss., to be unduly prejudiced by rates higher than those applicable on traffic to or from New Orleans, La., Gulfport, Miss., and Mobile, Ala.: *Held*, That the undue prejudice exists as to certain points of origin and destination and must be removed.

Railroad Commissioners of Iowa v. *Q., O. & K. C. R. R. Co.*, 57 I. C. C., 119.

302. Carload rates on walnut logs from points in northern Missouri to Des Moines, Iowa, not found to have been or to be unreasonable or otherwise unlawful. Complaint dismissed.

Muskogee Wholesale Grocer Co. v. *M., K. & T. Ry. Co.*, 57 I. C. C., 125.

303. Reparation awarded on a carload of toilet paper from Green Bay, Wis., to Muskogee, Okla., and on carload shipments of wrapping paper from points in Michigan and Wisconsin to destinations in Oklahoma.

304. On further hearings in *Phoenix Printing Co.* v. *M., K. & T. Ry. Co.*, 31 I. C. C., 298, and in *Adleta Paper Co.* v. *C. & N. W. Ry. Co.*, ibid., 347, complainants directed to file statements under rule V in order that reparation previously awarded may be determined.

Atlantic Lumber Co. v. *N. Y., P. & N. R. R. Co.*, 57 I. C. C., 129.

305. Following *Wood* v. *N. Y., P. & N. R. R. Co.*, 53 I. C. C., 183, demurrage charges on cars held at Cape Charles, Va., a reconsigning point, because of embargoes at points to which diversion was ordered found to have been illegal, the tariffs making no provision therefor. Reparation awarded.

Buick Motor Co. v. *Director General*, 57 I. C. C., 131.

306. Third-class rating and rates on electric storage batteries in carloads from Philadelphia, Pa., to Detroit and Flint, Mich., not found unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Akin Gasoline Co. v. *Director General*, 57 I. C. C., 133.

307. Rates on liquefied petroleum gas in tank-car loads from Dewey, Glenpool, and other points in Oklahoma to North Baton Rouge, La., found to have been unreasonable. Reparation awarded.

Akin Gasoline Co. v. *Director General*, 57 I. C. C., 136.

308. Rates on liquefied petroleum gas in tank-car loads from Electra, Tex., to North Baton Rouge, La., found to have been unreasonable to the extent that they exceeded those contemporaneously applicable from Wichita Falls, Tex., to the same destination. Reparation awarded.

Lowry Lumber Co. v. *Director General*, 57 I. C. C., 139.

309. Demurrage charges which legally accrued at Little Rock, Ark., on a shipment of lumber from Wesson, Ark., to Little Rock, reconsigned to Bloomington, Ind., found not to have been unreasonable. Complaint dismissed.

Cohen-Schwartz Rail & Steel Co. v. *St. L.-S. F. Ry. Co.*, 57 I. C. C., 141.

310. Rate on rails and angle bars in straight and mixed carloads from Steele, Mo., to Madison and East St. Louis, Ill., found unreasonable. Reparation awarded.

Pyrene Mfg. Co. v. *Director General*, 57 I. C. C., 143.

311. Rate on chemical fire extinguishers, hand, other than wheeled, from New York, N. Y., to Seattle, Wash., and Los Angeles, Calif., found not to have been unreasonable. Complaint dismissed.

Lowry Lumber Co. v. *Director General*, 57 I. C. C., 145.

312. Demurrage charges at Jonesboro, Ark., on a carload of lumber from Ogemaw, Ark., found not to have been unreasonable. Complaint dismissed.

N. J. Power & Light Co. v. *Director General*, 57 I. C. C., 147.

313. Rate of $3.20 per long ton on barley coal, in carloads, from Scranton, Pa., to Dover, N. J., found unreasonable to the extent that it exceeded the rate of $2.40 per long ton subsequently established. Reparation awarded.

Chevrolet Motor Co. v. *Director General*, 57 I. C. C., 149.

314. Rate on baking and drying ovens, in carloads, from Detroit, Mich., to Oakland, Calif., found to have been unreasonable. Reparation awarded.

Winona Oil Co. v. *Director General*, 57 I. C. C., 152.

315. Rates for the transportation of petroleum and its products, in carloads, from the midcontinent oil field in Kansas and Oklahoma to Eau Claire, Chippewa Falls, and Menomonie, Wis., not shown to be unreasonable or unduly prejudicial. Complaint dismissed.

Cornell v. *L. V. R. R. Co.*, 57 I. C. C., 157.

316. Rates on anthracite coal, in carloads, from Coxton, Pa., to East Ithaca, N. Y., found to have been unduly prejudicial to the extent that they exceeded the rates contemporaneously in effect to Ithaca, N. Y. Reparation awarded.

Lowry Lumber Co. v. *Director General*, 57 I. C. C., 165.

317. Allegation that charges on a carload of yellow-pine lumber from Silsbee, Tex., to Nashville, Mich., were unreasonable because assessed on an excessive weight not sustained. Complaint dismissed.

Saginaw & Manistee Lumber Co. v. *A., T. & S. F. Ry. Co.*, 57 I. C. C., 167.

318. Rates on locomotive and tender, dead, on their own wheels, from Bellemont, Ariz., to Los Angeles, Calif., and from Los Angeles to Williams, Ariz., found to have been and to be unreasonable. Reparation awarded.

Rath Packing Co. v. *Director General*, 57 I. C. C., 170.

319. Rates charged for the transportation of fresh meats and packing-house products from Waterloo, Iowa, to Macomb and Galesburg, Ill., not found unreasonable. Complaint dismissed.

Matthiessen & Hegeler Zinc Co. v. *C., B. & Q. R. R. Co.*, 57 I. C. C., 173.

320. Rates on interstate traffic to and from complainant's plant at La Salle, Ill., found to have been unreasonable and unduly prejudicial to the complainant during periods between May 1, 1914, and March 6, 1915, when the charges of the La Salle & Bureau County Railroad were collected in addition to the rates to and from La Salle. Reparation awarded.

Amer. Agri. Chem. Co. v. *H. & B. V. Ry. Co.*, 57 I. C. C., 177.

321. Rate of 61 cents per 100 pounds collected on carload shipments of sulphur from Bryanmound, Tex, to Bayway, N. J., found illegal to the extent that it exceeded rates of 50 and 50.5 cents. Rates legally applicable not found to have been unreasonable. Refund of overcharges directed and complaint dismissed.

Snyder & Co. v. *Director General*, 57 I. C. C., 179.

322. Rate applicable on refuse molasses, in tank-car loads, from Sugar City and Blackfoot, Idaho, to Pine Bluff, Ark., found to have been unreasonable. Reparation awarded.

United Verde, Etc., Co. v. *Director General*, 57 I. C. C., 181.

323. Rate of 69.5 cents per 100 pounds on hay, in carloads, from Grape, Calif., to Clarkdale, Ariz., found to have been unreasonable to the extent that it exceeded 52 cents. Reasonable maximum rate prescribed. Reparation awarded.

Los Angeles Foundry Co. v. *Director General*, 57 I. C. C., 184.

324. Rates on grinding balls from Los Angeles, Calif., to various interstate destinations found to be unduly prejudicial to complainant at Los Angeles and unduly preferential of its competitors at eastern points. Defendants required to remove the undue prejudice.

Beaumont Chamber of Commerce v. *A. & V. Ry. Co.*, 57 I. C. C., 189.

325. All-rail rates on clean rice, in carloads, from Beaumont, Orange, Galveston, and Houston, Tex., to eastern seaboard territory not found unreasonable, but found unduly prejudicial. A nonprejudicial adjustment prescribed.

Kansas City Ref. Co. v. *Director General*, 57 I. C. C., 197.

326. Rates on refined and fuel oil to Chicago, Ill., from Kansas City, Mo., and Kansas City, Kans., found unreasonable and unduly prejudicial to the extent that the rate on fuel oil from Kansas City to Chicago exceeds a rate at least 5 cents lower than the rate contemporaneously maintained on refined oil between the same points, and to the extent that rates on fuel oil, local or proportional, from Kansas City to Chicago exceed rates at least 3 cents lower than rates contemporaneously maintained on the sme commodity from the mid-continent field to Chicago.

N. J. Zinc Co. v. *Director General*, 57 I. C. C., 201.

327. Rule of the consolidated classification providing the basis of charges for the transportation of sulphuric acid and chloride of zinc remaining in tank cars returned to the original loading points not found to be unreasonable or unduly prejudicial. Complaint dismissed.

Goodyear Tire & Rubber Co. v. *A., C. & Y. Ry. Co.*, 57 I. C. C., 206.

328. Ratings and rates on carload shipments of rubber-tire tubes, pneumatic rubber tires, and solid rubber tires, unmounted, and on solid rubber tires mounted on iron or steel base, from points in official and western classification territories to points in southern classification territory, when the traffic is governed by the southern classification, not found unreasonable in the past. Reasonable rating and maximum rates on straight and mixed carload shipments prescribed for the future.

Memphis Freight Bureau v. *St. L. & S. F. R. R. Co.*, 57 I. C. C., 212.

329. On rehearing reparation awarded to complainant factors as representatives of shippers on account of charges illegally collected on shipments of cotton concentrated at Memphis, Tenn., and subsequently reshipped. Original report, 50 I. C. C., 345.

South Bend Chamber of Commerce v. *Director General*, 57 I. C. C., 215.

330. Percentage basis applied in making rates between South Bend, Mishawaka, Elkhart, Goshen, Napanee, and Michigan City, Ind., and points in eastern trunk line territory and New England territory found relatively unreasonable and unduly prejudicial to such points and unduly preferential of points in western and northern Ohio and southwestern Michigan.

General Chemical Co. v. *Director General*, 57 I. C. C., 222.

331. Rates on nitrate of soda imported from Chile, from north Atlantic ports to points in central territory found to have been and to be unreasonable. Reasonable rates for the future prescribed and reparation awarded.

Monroe Chamber of Commerce v. *Director General*, 57 I. C. C., 227.

332. Defendants' rate of 27.5 cents on coarse grain, in carloads, from Cairo, Ill., to Monroe, La., found not unreasonable, but the existing relationship between the rates on coarse grain, in carloads, from Cairo to Monroe and Rayville, La., found unduly prejudicial to the extent that the rate to Monroe exceeds the rate to Rayville by more than 1.5 cents per 100 pounds.

Ark. Jobbers & Mnfrs. Asso. v. *Director General*, 57 I. C. C., 231.

Upon complaints attacking the commodity rates on citrus fruit, pineapples, bananas, and coconuts, in carloads, from New Orleans, La., and Mobile, Ala., and on citrus fruit, pineapples, and vegetables from Jacksonville, Fla., to certain points in Arkansas, *Held:*

333. That the rates from New Orleans and Mobile should be prescribed to give greater recognition to relative distances. A proper realignment suggested.

334. That the rates from Jacksonville are not shown to be unreasonable or unduly prejudicial. Complaint dismissed.

335. Carriers whose routes are 15 per cent or more longer than the direct lines authorized to continue lower rates from New Orleans and Mobile to Little Rock and Pine Bluff, Ark., than to intermediate points in Arkansas, provided the rates to such intermediate points do not exceed those herein prescribed. Other fourth section relief denied.

Koenig Coal Co. v. *G. T. Ry. Co.*, 57 I. C. C., 241.

336. Rates on anthracite coal, in carloads, from Coxton, Pa., to Detroit, Mich., found to have been unreasonable. Reparation awarded.

Thatcher Mfg. Co. v. *Director General*, 57 I. C. C., 244.

337. Charges for switching interstate carload traffic between complainant's plant on the Pennsylvania Railroad and that carrier's interchange track with the Baltimore & Ohio Railroad at Kane, Pa., found unreasonable. Reparation awarded.

Wis. & Mich. Fruit, Etc., Asso. v. *A. & W. Ry. Co.*, 57 I. C. C., 249.

338. In view of the changed situation, brought about by Perishable Protective Tariff No. 1, I. C. C. No. 6, which became effective on February 28, 1920, subsequent to the hearing in this proceeding, and which was considered in *Perishable Freight Investigation*, 56 I. C. C., 449, complaint dismissed.

Colo. Fuel & Iron Co. v. *Director General*, 57 I. C. C., 253.

339. Rates on iron and steel articles, in carloads, from Minnequa, Colo., to Pacific coast points found unduly prejudicial to the extent that they exceed 77 per cent of the rates contemporaneously maintained from Chicago, Ill., to the same destinations.

Boldt Co. v. *Director General*, 57 I. C. C., 259.

340. Rates on glass sand, in carloads, from Ottawa, Ill., and related points to Huntington and West Huntington, W. Va., between November 1, 1917, and October 17, 1918, found to have been unreasonable. Reparation awarded.

Grand Rapids Plaster Co. v. *Director General*, 57 I. C. C., 264.

341. Carload rates and minima on plaster and other gypsum products from Grand Rapids, Mich., to destinations in Wisconsin north of an east-and-west line drawn from Sheboygan to Prairie du Chien, in the upper peninsula of Michigan, and in the extreme eastern part of Minnesota found unduly prejudicial to Grand Rapids as compared with carload rates and minima contemporaneously maintained on the same commodities to the same destinations from Fort Dodge, Iowa, and points grouped therewith. Undue prejudice required to be removed. Reparation denied.

Du Pont de Nemours & Co. v. *Director General*, 57 I. C. C., 270.

342. Rates on sulphuric acid, in tank-car loads, from Carneys Point, N. J., to Hopewell, Va., found to have been and to be unreasonable to the extent that they exceeded and exceed the rates contemporaneously applicable on nitrating acid, in tank-car loads, from and to the same points. Reparation awarded.

Eastern Lumber Co. v. *Director General*, 57 I. C. C., 272.

343. Defendants mailed notice of arrival of a carload of lumber at New York, N. Y., which was never received by the consignee. *Held*, That the carrier's duty was performed when it placed notice in the mail and that demurrage charges were properly assessed. Complaint dismissed.

Peerless Coal Co. v. *A., T. & S. F. Ry. Co.*, 57 I. C. C., 274.

344. Springfield Terminal Railway Company found to be a common carrier of property subject to the interstate commerce act which may lawfully receive from its trunk line connections divisions of joint rates, or absorptions of switching charges under appropriate tariffs, such divisions or absorptions to be reasonable.

345. Rates on coal, in carloads, from points on the Springfield Terminal Railway to interstate destinations found to have been and to be unduly prejudicial. Also found that they were unduly prejudicial from and after June 25, 1918, to points in Illinois. Undue prejudice ordered removed.

346. Reasonableness of rates and question of damage reserved for further hearing.

Trantum & Danzer v. *N. Y., P. & N. R. R. Co.*, 57 I. C. C., 281.

347. Following *Wood* v. *N. Y., P. & N. R. R. Co.*, 53 I. C. C., 183, assessment of demurrage charges on cars held at reconsignment point because of embargo at the points to which reconsignment was ordered found to have been illegal, in the absence of tariff provision therefor. Reparation awarded.

Meridian Cellulose Co. v. *Director General*, 57 I. C. C., 283.

348. Rate of $1.895 per 100 pounds, collected on a return movement of cotton linters from Nobel, Ontario, to Meridian, Miss., found not unreasonable. Complaint dismissed.

Wright Tie Co. v. *B. S. W. R. R. Co.*, 57 I. C. C., 286.

349. Rates on crossties, in carloads, from points in Mississippi to destinations in Ohio and Indiana found not to have been unreasonable or otherwise unlawful. Complaint dismissed.

Quintal & Lynch v. *F. E. C. Ry. Co.*, 57 I. C. C., 289.

350. Complaint alleging that demurrage charges collected at Key West on three carloads of hay shipped in bond from Canada, through the United States, to Habana, Cuba, were unjust and unreasonable and wrongfully assessed, dismissed for want of jurisdiction.

Riverside Portland Cement Co. v. *R., R. & P. R. R. Co.*, 57 I. C. C., 291.

351. Rates on cement, in carloads, from Crestmore, Calif., to Miami and other destinations in the State of Arizona found not to have been unreasonable or unjustly discriminatory. Complainant not shown to have been damaged by reason of any undue prejudice that may have existed. Complaint dismissed.

Haarmann Vinegar & Pickle Co. v. *Director General*, 57 I. C. C., 294.

352. Rate on two carload shipments of pickles, in brine, from New York Mills, Minn., to Omaha, Nebr., found to have been unreasonable. Reparation awarded.

Key-James Brick Co. v. *S. Ry. Co.*, 57 I. C. C., 296.

353. Rates on common brick, in carloads, from Chattanooga, Tenn., to Asheville, N. C., found to have been and to be unreasonable to the extent that they exceeded and exceed the aggregate of the intermediate rates contemporaneously in effect. Reparation awarded and measure of reasonable maximum rate prescribed for the future.

Cohen-Schwartz Rail & Steel Co. v. *Director General*, 57 I. C. C., 298.

354. Rate on scrap iron, in carloads, from St. Louis, Mo., to Litchfield, Ill., found unreasonable to the extent that it exceeded and exceeds the sum of the intermediate rates subject to the act contemporaneously in effect. Reparation awarded.

United Verde, Etc., Co. v. *U. V. & P. Ry. Co.*, 57 I. C. C., 300.

355. Rates on coal, in carloads, from Dawson, N. Mex., to Clarkdale and Jerome, Ariz., not shown to have been or to be unreasonable. Complaint dismissed.

Sioux City Concrete Pipe Co. v. *C., M. & St. P. Ry. Co.*, 57 I. C. C., 303.

356. Rates on concrete drain tile, in carloads, from Sioux City, Iowa, to points in South Dakota, east of the Missouri River, found to have been and to be unduly prejudicial to complainant and unduly preferential of competitors located at other drain-tile manufacturing points in Iowa and Minnesota. Reparation denied.

Pneumatic Scales Corp. v. *A. & R. R. R. Co.*, 57 I. C. C., 308.

357. Findings in prior report in this proceeding, 51 I. C. C., 686, affirmed.

Lakewood Engineering Co. v. *Director General*, 57 I. C. C., 311.

358. Carload rates on portable railway track, in sections, from Cleveland, Ohio, to New York, N. Y., including Greenville Piers, N. J., and to Baltimore, Md., for export, found unreasonable to the extent that they exceeded rates contemporaneously applicable on fishplates, switches, turntables, and crossovers, in carloads.

Ill. Brick Co. v. *Director General*, 57 I. C. C., 320.

359. Rates on common brick, in carloads, from points in the Chicago, Ill., switching district, and from Shermerville, Ill., to grouped points in eastern Iowa on the lines of the Illinois Central Railroad and the Chicago, Milwaukee & St. Paul Railway, not shown to have been or to be unreasonable, unjustly discriminatory, or unduly prejudicial; but in certain instances found to violate the long-and-short-haul provision of section 4 of the interstate commerce act. Complaint dismissed.

Woodbury Lumber Co. v. *Director General*, 57 I. C. C., 324.

360. Carload of lime from Evans, Wash., to Okanogan, Wash., delivered to defendant unrouted, and transported by way of Canada although lower rate applied over an available intrastate route, found to have been misrouted. Reparation awarded.

Gamble-Robinson-Lewistown Co. v. *Director General*, 57 I. C. C., 327.

361. Rates on lemons, in carloads, from certain points in California to Lewistown, Miles City, and Glendive, Mont., found to have been unreasonable. Reparation awarded.

Bare Paper Co. v. *Director General*, 57 I. C. C., 329.

362. Rates on pulp wood, in carloads, from points in Virginia to Roaring Spring, Pa., found to have been unreasonable and unduly prejudicial to the extent that they exceeded the rates contemporaneously in effect from the same points to Williamsburg, Pa. Reparation awarded.

Calumet & Ariz. M. Co. v. *Director General*, 57 I. C. C., 332.

363. Rates in effect during federal control on copper ore, in carloads, from Bisbee, Ariz., to Douglas, Ariz., and on lime rock, in carloads, from Forrest, Ariz., to Douglas, found not unreasonable or otherwise unlawful. Complaint dismissed.

Springfield, Tenn., v. *L. & N. R. R. Co.*

364. No opinion expressed as to reasonableness of certain class and commodity rates to Springfield, Tenn., from various points of origin in effect prior to federal control. Fourth section departures complained of have been passed upon in *Murfreesboro Board of Trade* v. *L. & N. R. R. Co.*, 55 I. C. C., 648.

Inland Steel Co. v. *Director General*, 57 I. C. C., 339.

365. Upon reargument of the above-entitled case, reported in 55 I. C. C., 462, *Held:* That the application of the same rate on iron and steel articles in carloads from Chicago, Ill., Terre Haute and Vincennes, Ind., and Pittsburgh, Pa., to Pacific coast ports, for export, is unduly prejudicial to Chicago, Terre Haute, and Vincennes.

Fort Dodge Commercial Club v. *Director General*, 57 I. C. C., 343.

366. Class rates based on Mississippi River combinations, applicable between Fort Dodge, Kalo, Gypsum, and Marshalltown, Iowa, and points east of the Indiana-Illinois state line, found not unreasonable or unduly prejudicial. Complaint dismissed.

Champion Fibre Co. v. *Director General*, 57 I. C. C., 349.

367. Rates on bituminous coal from Coal Creek, Tenn., to Canton, N. C., not found unreasonable. Complaint dismissed.

Union Tanning Co. v. *Director General*, 57 I. C. C., 354.

368. Rates on bituminous coal from the Appalachia group of mines in southwestern Virginia to Old Fort, N. C., not found unreasonable. Complaint dismissed.

Cuban Molasses Co. v. *Director General*, 57 I. C. C., 359.

369. Rate of 29 cents per 100 pounds on blackstrap molasses, in tank-car loads from Mobile, Ala., to Rondout, Ill., found to have been unreasonable to the extent that it exceeded 23 cents. Reparation awarded.

Du Pont de Nemours & Co. v. *Director General*, 57 I. C. C., 361.

370. Rate charged on shipments of caustic soda, in carloads, from Elkton, Md., to Hopewell, Va., over the route of movement found not to have been unreasonable. Shipments found to have been misrouted by the initial carrier. Reparation awarded.

Chapin & Co. v. *Director General*, 57 I. C. C., 363.

371. Rates on copra-oil meal, in carloads, from Undercliff, N. J., and Port Ivory, Staten Island, N. Y., to Hammond, Ind., found unreasonable. Reparation awarded and measure of reasonable rates prescribed.

Lasalle County C. C. Co. v. *Director General*, 57 I. C. C., 367.

372. Charges for passenger-train service found to have been illegally assessed. Reparation awarded.

Steinhardt & Kelly v. *E. R. R. Co.*, 57 I. C. C., 369.

373. Former finding that arrival notices covering carload shipments of apples at Jersey City, N. J., were, in the light of the surrounding circumstances, in substantial compliance with the requirements of the tariff, and that the demurrage charges assailed legally accrued, affirmed on rehearing. Complaint dismissed. Former report 52 I. C. C., 304.

St. Louis, Troy & Eastern Railroad Company, 57 I. C. C., 371.

374. The St. Louis, Troy & Eastern Railroad Company found to be a common carrier of property subject to the interstate commerce act which may lawfully receive from its trunk line connections compensation out of the through interstate rates to and from points on its line in the form of divisions of joint rates or absorptions of its switching charges under appropriate tariff provision. Such compensation must not be more than is reasonable, and a specific and complete statement of any arrangement now in effect, or of any basis agreed upon, must be filed with this Commission.

375. Complaint in No. 6890 alleging a violation of the commodities clause dismissed.

Markle Co. v. *L. V. R. R. Co.*, 57 I. C. C., 375.

376. On further hearing reparation awarded on account of unreasonable rates charged for the transportation of anthracite coal, prepared and pea sizes, in carloads, from certain collieries in the Lehigh coal region of Pennsylvania to Perth Amboy, N. J., for transshipment by water. Former report 37 I. C. C., 441.

Dodson & Co. v. *C. R. R. Co. of N. J.*, 57 I. C. C., 381.

377. Reparation awarded on account of unreasonable rates charged for the transportation of anthracite coal in carloads from Beaver Brook and Coleraine collieries, in the Lehigh anthracite coal region of Pennsylvania, to Elizabethport, N. J., for transshipment by water. Former report in 38 I. C. C., 206, corrected and order therein vacated.

No. Potato Traff. Asso. v. *C., B. & Q. R. R. Co.*, 57 I. C. C., 385.

378. Minima applicable to potatoes, in carloads, from points in Minnesota to points in official classification territory not shown to be unreasonable or to have resulted in unreasonable charges on shipments from and to those points. Minima applicable to this traffic from Isanti, Minn., to Albia, Iowa, found to have been and to be unreasonable to the extent indicated in the report and to have resulted in unreasonable charges on one shipment. Reparation awarded and a reasonable rule prescribed.

Galveston Commercial Asso. v. *Director General*, 57 I. C. C., 390.

379. Rates applicable to the transportation of iron and steel articles, in straight or mixed carloads, from Galveston and Houston, Tex., to destinations on the lines of defendants in Oklahoma, found unreasonable and unduly prejudicial as compared with rates applicable to the merchant mixture, so called, from St. Louis, Mo., to Oklahoma points for similar distances.

380. Rates on iron and steel articles, in straight or mixed carloads, from Galveston and Houston to that portion of Louisiana west of the Mississippi River, excluding Shreveport and points taking the same rates under decision in *Railroad Commission of Louisiana* v. *A. H. T. Ry. Co.*, 48 I. C. C., 312, found unreasonable and unduly prejudicial as compared with rates from St. Louis to said Louisiana points to the extent that they exceed or may exceed 60 per cent of the fifth-class rates prescribed in the above case for similar distances increased by not more than 25 per cent.

Armour Grain Co. v. *Director General*, 57 I. C. C., 398.

381. Upon complaints that due to congestion of grain elevators consequent upon complainants' inability to obtain, during a period of car shortage, cars sufficient in number for outbound loading, demurrage accrued upon grain, in carloads, shipped into transit points on local billing and there held in cars for unloading into the elevators, and that, in such circumstances, the rules governing the assessment of demurrage were and are unreasonable and unduly prejudicial; *Held*, That such rules are not shown to have been or to be unreasonable or unduly prejudicial. Complaints dismissed.

Lewis Mfg. Co. v. *A., B. & A. Ry. Co.*, 57 I. C. C., 410.

382. Rates to Birmingham, Ala., on tar in tank-car loads from Nashville, Chattanooga, and Memphis, Tenn., New Orleans, La., Pensacola, Fla., and south

Atlantic ports, and on creosote oil in tank-car loads from New Orleans not found unreasonable or otherwise unlawful. Complaints dismissed.

Meeker & Co. v. *C. R. R. Co. of N. J.*, 57 I. C. C., 414.

383. Reparation awarded on account of unreasonable rates charged for the transportation of anthracite coal in prepared and pea sizes, in carloads, from Melville colliery in the Wyoming anthracite coal region of Pennsylvania to Elizabethport, N. J., for reshipment by water. Former report 38 I. C. C., 333.

Rates Between Trunk Line Territory and West-Bank Lake Mich. Ports, 57 I. C. C., 418.

384. Upon further consideration of certain fourth section applications by which the carriers parties thereto seek authority to continue lower class and commodity rates between points in trunk line territory and points on the west bank of Lake Michigan than the corresponding rates contemporaneously maintained to and from Cadillac, Mich., and other intermediate points in the 106 and 108 per cent groups in Michigan: *Held*, That fourth section relief may properly be granted, provided that rates to and from said intermediate points in Michingan conform to the conclusions of the Commission in *Michigan Percentage Cases*, 47 I. C. C., 409.

Cleveland Cooperage Co. v. *Director General*, 57 I. C. C., 423.

385. Demurrage charges collected on a carload of barrels held at Cleveland, Ohio, on account of an embargo, found to have been illegal to the extent indicated.

Nebr.-Iowa Fruit Jobbers Asso. v. *Director General*, 57 I. C. C., 426.

386. Refrigeration charges on fruits and vegetables transported from points in Kansas and Missouri to points in Iowa and Nebraska and between points in Iowa and points in Nebraska found not to have been unreasonable. In view of the changed situation, brought about by Perishabe Protective Tariff No. 1, I. C. C., No. 6, which became effective February 28, 1920, subsequent to the submission of this case, and which was considered in *Perishable Freight Investigation*, 56 I. C. C., 449, record affords no basis for a finding with respect to present charges. Complaint dismissed.

Red Ash Coal Co. v. *C. R. R. Co. of N. J.*, 57 I. C. C., 432.

387. Reparation awarded on account of unreasonable rates charged for the transportation of anthracite coal, in prepared and pea sizes, in carloads, from Red Ash colliery in the Wyoming coal region of Pennsylvania, to Elizabethport, N. J., for reshipment by water. Former report 37 I. C. C., 460.

Meeker & Co. v. *E. R. R. Co.*, 57 I. C. C., 434.

388. Rates on anthracite coal, pea size, in carloads, from Wayne washery, Clemo, Pa., to Undercliff (Edgewater), N. J., for reshipment by water found to have been unreasonable. Reparation awarded.

389. Rates on sizes smaller than pea from and to the same points found not unreasonable, unjustly discriminatory, or unduly prejudicial.

Gulf Pipe Line Co. v. *T. & N. O. R. R. Co.*, 57 I. C. C., 437.

390. Rate on wrought-iron pipe, in carloads, from Beaumont, Tex., to Midian, Kans., found not unreasonable or otherwise unlawful. Complaint dismissed.

Cumberland Glass Mfg. Co. v. *Director General*, 57 I. C. C., 439.

391. Demurrage charges at Minotola and Bridgeton, N. J., on certain interstate shipments of bituminous coal, not shown to have been unreasonable or otherwise unlawful. Complaint dismissed.

U. S. Cast Iron, Etc., v. *Director General*, 57 I. C. C., 442.

392. Complainant maintains a system of tracks within its plant at Bessemer, Ala., and performs, with its own power, the switching and spotting service incident to the weighing, unloading, and loading of inbound and outbound traffic. Upon complaint alleging that the performance by defendants of like switching and spotting services at other similar industries in the Birmingham, Ala., switching district without charge therefor, results in undue preference of those industries and unreasonable and undue prejudice to complainant, both in the switching service and transportation rates: *Held*, That the operations performed by complainant are not such as defendants could or should be required to render and therefore nothing for which compensation or allowances should be paid.

The services accorded by defendants to the alleged preferred industries are entirely dissimilar to those performed by complainant within its plant. Complaint dismissed.

Currie & Campbell v. *Director General*, 57 I. C. C., 450.

393. Demurrage and towage charges collected on a carload of lumber in New York harbor found to have been legally applicable and not unreasonable or otherwise unlawful. Complaint dismissed.

Kilmer & Co. v. *Director General*, 57 I. C. C., 453.

394. Rates on medicines, in carloads, from Binghamton, N. Y., to Chattanooga and Memphis, Tenn., found to have been unreasonable to the extent that they exceeded the aggregate of the intermediate rates subject to the interstate commerce act contemporaneously in effect over the routes of movement to and from Cincinnati, Ohio, and Cairo, Ill., respectively. Reparation awarded and measure of reasonable maximum rates prescribed.

Standard Time Zone Investigation, 57 I. C. C., 455.

395. Petition to modify orders defining limits of standard Central and Mountian time zones, 51 I. C. C., 273 and 555, so as to include the panhandles of Texas and Oklahoma within standard Central time zone, denied.

396. Order defining limits of standard Eastern time zone, 53 I. C. C., 208, modified so as to include Mount Vernon, Ohio, within the standard Eastern time zone.

Dickey Clay Mfg. Co., v. *Director General*, 57 I. C. C., 459.

397. Charges on mixed carloads of sewer segment blocks and hollow building tile from Deepwater, Mo., to points in Oklahoma and other states found unreasonable. Reparation awarded on two mixed carloads from Deepwater to Chickasha, Okla., and defendants required to provide for the transportation of mixed carloads of these commodities at the higher rate and minimum weight applicable to either commodity.

Du Pont de Nemours & Co. v. *Director General*, 57 I. C. C., 461.

398. Change of destination in transit of certain cars of bituminous coal on orders of United States Fuel Administration found to have constituted a diversion.

399. Defendants' diversion rule in so far as excluding bituminous coal in hopper or self-clearing cars of defined ownership found to have been unreasonable at the time of movement of complainant's shipments.

400. Reparation awarded.

Procter & Gamble Co. v. *Director General*, 57 I. C. C., 465.

401. Import rate of $1.125 per 100 pounds on copra, in carloads, from San Francisco and Oakland, Calif., and Seattle, Wash., to Ivorydale, Ohio, Houston and Dallas, Tex., and Port Ivory, Staten Island, N. Y., found to have been unreasonable to the extent that it exceeded 85 cents. Reparation awarded.

Ozark Cooperage & Lumber Co. v. *Director General*, 57 I. C. C., 471.

402. Rate legally applicable on gum staves, in carloads, from Pascola, Mo., and Success, Ark., to Houma, La., found to have been unreasonable. A reasonable maximum basis for the future prescribed and reparation awarded.

Caron & Campbell v. *Director General*, 57 I. C. C., 474.

403. Rates on hogs, in carloads, from Fort Worth, Lexington, and Cross Plains, Tex., and Kansas City, Mo., to Camp Pike and Carbell Spur, Ark., and from Camp Pike and Carbell Spur to St. Louis and Kansas City, Mo., National Stock Yards, Ill., and Oklahoma City, Okla., found not unreasonable or unduly prejudicial. Complaint dismissed.

Cohen-Schwartz R. & S. Co. v. *M. L. & T. R. R. & S. S. Co.*, 57 I. C. C., 479.

404. Rate charged on old rails in carloads from Lafayette, La., to East St. Louis and Madison, Ill., found to have been unreasonable. Reparation awarded.

Atlas Leather Mfg. Co. v. *N. Y., N. H. & H. R. R. Co.*, 57 I. C. C., 481.

405. Following *Atlas Leather Mfg. Co.*, v. *P., C., C. & St. L. R. R. Co.*, 55 I. C. C., 394, carload rating on scrap leather of a declared or agreed value not exceeding 3.5 cents per pound found to be unreasonable. Reparation denied.

United Verde, Etc. Co. v. *Director General*, 57 I. C. C., 483.

406. Charges applicable on two cars loaded with wrought steel pipe and other articles comprising parts of a circulating steam system found not to have been unreasonable. Reparation awarded on account of overcharges.

Lesser-Goldman Cotton Co. v. *L. & N. W. R. R. Co.*, 57 I. C. C., 486.

407. Shipments of cotton from Emerson, Ark., to Magnolia, Ark., there compressed, and reshipped to destinations in New Hampshire and Massachusetts, found to have been misrouted. Reparation awarded.

St. Bernard Cypress Co. v. *Director General*, 57 I. C. C., 489.

408. Rates on cypress lumber, in carloads, from New Orleans, La., to Violet, Phoenix, and Pointe a la Hache, La., found unreasonable. Reparation awarded.

Tuffli Bros., Etc., Co. v. *L. & N. R. R. Co.*, 57 I. C. C., 491.

409. Rate on pig iron in carloads from Birmingham, Ala., to McGill, Nev., found not to have been unreasonable or otherwise unlawful. Refund of overcharges directed and complaint dismissed.

Gill-Andrews Lumber Co. v. *Director General*, 57 I. C. C., 493.

410. Demurrage charges at Lansing, Mich., on a carload of lumber from Deerbrook, Wis., illegally assessed. Reparation awarded.

Carolina Portland Cement Co. v. *Director General*, 57 I. C. C., 496.

411. Carload of yellow-pine lumber from Slaughters, Ala., to Cairo, Ill., reconsigned to Cincinnati, Ohio, found to have been misrouted. Reparation awarded.

Griess-Pfleger Tanning Co. v. *Director General*, 57 I. C. C., 499.

412. Charges collected on a less-than-carload shipment consisting of a press bed of an embossing machine from Waukegan, Ill., to Champlain, N. Y., found not to have been illegal or otherwise in violation of the act. Complaint dismissed.

Pine Plume Lumber Co. v. *Director General*, 57 I. C. C., 501.

413. Rate charged on five carloads of cypress lumber from Gable, S. C., to East Norwood, Ohio, found to have been unreasonable. Reparation awarded.

Lowry Lumber Co. v. *Director General*, 57 I. C. C., 503.

414. Allegation that charges collected on a carload of lumber from Texla, Tex., to Owosso, Mich., were unreasonable because computed on an excessive weight not sustained. Complaint dismissed.

Thomas Iron Co. v. *Director General*, 57 I. C. C., 505.

415. Rate on coke in carloads from Seaboard, N. J., to Hellertown, Pa., found to have been unreasonable. Reparation awarded.

Du Pont de Nemours & Co. v. *Director General*, 57 I. C. C., 507.

416. Rates on crude sulphur, in carloads, from Bryanmound, Tex., to Thompsons Point, N. J., found not unreasonable or unduly prejudicial. Refund of overcharges directed and complaint dismissed.

Brown & Sons Lumber Co. v. *Director General*, 57 I. C. C., 509.

417. Carload shipments of lumber from Sulligent, Ala., to Marion, Drexel, Morganton, Hickory, and Statesville, N. C., found to have been misrouted. Reparation awarded.

White Brothers & Crum Co. v. *Director General*, 57 I. C. C., 511.

418. Express rates on cherries, in carloads, from Lewiston, Idaho, and from Union, Oreg., to Regina, Saskatchewan, Canada, found to have been unreasonable. Reparation awarded.

Application of United States Steel Products Co., 57 I. C. C., 513.

419. The ownership by the United States Steel Corporation of the stock of both the United States Steel Products Company and the several applicant rail carriers held to constitute an interest within the meaning of section 5 of the interstate commerce act by said rail lines in water lines owned and operated by the United States Steel Products Company.

420. Under present conditions and conditions that seem probable in the near future whatever competition there may be between the applicant rail carriers and the steamer lines of the United States Steel Products Company, operating between ports on the eastern coast of the United States and ports on the western coasts of North and South America, through the Panama Canal, found unsubstantial and merely nominal.

Taylor & Smith v. *Director General*, 57 I. C. C., 520.

421. Rate of $1.16 per 100 pounds charged on a carload of peanuts shipped from Suffolk, Va., to El Paso, Tex., found to have been unreasonable to the extent that it exceeded 85 cents. Reparation awarded.

Corporation Commission of N. C. v. *Director General*, 57 I. C. C., 523.

422. Rate adjustments between points in zones 1, 2, 3, and 4 in North Carolina and Norfolk and Richmond, Va., on the one hand, and points in South Carolina and the southeast, on the other, and between points in zones 1 and 2 in North Carolina and Norfolk and Richmond, on the one hand, and eastern ports and interior eastern points, on the other, found unduly prejudicial to the North Carolina points and unduly preferential of Norfolk and Richmond. Reasonable relationships prescribed.

Highland Iron & Steel Co. v. *Director General*, 57 I. C. C., 547.

423. Rates applicable on scrap iron, in carloads, from Burr Oak and Chicago, Ill., to Terre Haute, Ind., found not unreasonable or otherwise unlawful. Complaint dismissed.

Highland Iron & Steel Co. v. *E. & I. R. R. Co.*, 57 I. C. C., 549.

424. Six carloads of mill cinder from Terre Haute, Ind., to Rockwood, Tenn., found to have been misrouted. Reparation awarded.

Charleston Ore Co. v. *S. A. L. Ry. Co.*, 57 I. C. C., 551.

425. Rate on pyrites cinders, in carloads, from Wilmington, N. C., to Charleston, S. C., found unreasonable. Reasonable maximum rate prescribed and reparation awarded.

Mobile Chamber of Commerce v. *M. & O. R. R. Co.*, 57 I. C. C., 554.

426. Adjustment of rates on cotton from various points in Alabama and Georgia to Mobile, Ala., and Savannah, Ga., respectively, for export, found unduly prejudicial to Mobile and unduly preferential of Savannah. Reasonable relationship prescribed. Original report in 32 I. C. C., 272.

Arlington Heights Fruit Exch. v. *S. P. Co.*, 57 I. C. C., 580.

427. Finding in *Arlington Heights Fruit Exchange* v. *S. P. Co.*, 39 I. C. C., 88, and 45 I. C. C., 248, denying reparation on precooled and preiced oranges transported from California points to destinations in other states and in Canada, reaffirmed on reargument.

Cotton Mnfrs.' Asso. v. *C., C. & O. Ry.*, 57 I. C. C., 584.

428. Upon further consideration original and supplemental decisions herein, 37 I. C. C., 652, and 53 I. C. C., 741, modified.

429. Rates on bituminous coal, in carloads, from Appalachia and Dante districts in Virginia to Spartanburg and other points in South Carolina taking same or related rates, found to have been unreasonable between October 15, 1911, and December 31, 1915. Reparation awarded.

430. Reparation awarded to certain interveners in this proceeding upon shipments of coal moving at the rates found unreasonable in the supplemental report, 53 I. C. C., 741.

Regulations for the payment of Rates and Charges, 57 I. C. C., 591.

431. Rules and regulations for the prompt payment of transportation rates and charges prescribed.

Wadhams Oil Co. v. *Director General*, 57 I. C. C., 597.

432. Rates on refined petroleum products in tank-car loads from points in Kansas and Oklahoma to Milwaukee and Racine, Wis., found unjust and unreasonable to the extent that they may exceed by more than 3 cents per 100 pounds the rates on like traffic contemporaneously in effect from the same points to Chicago, Ill.

433. Rates on heavy oils in tank-car loads from said points to Milwaukee and Racine found unjust and unreasonable to the extent that they may exceed 5 cents less than rates on refined oils to the same points.

434. Rates on heavy oils from said points to Milwaukee and Racine from March 1, 1916, to June 24, 1918, found to have been unreasonable to the extent that they exceeded 25 cents per 100 pounds. Reparation awarded on shipments of heavy oils during that period.

Mobile Chamber of Commerce v. *Director General*, 57 I. C. C., 605.

435. Rate of 26.5 cents per 100 pounds on sugar in carloads, from New Orleans, La., to Mobile, Ala., found unreasonable to the extent that it exceeded or may exceed 21.5 cents. Reparation denied for want of proof.

Chamber of Commerce of Montgomery v. *Director General*, 57 I. C. C., 610.

436. Rate of 32 cents per 100 pounds on sugar, in carloads, from New Orleans, La., to Montgomery, Ala., found to have been and to be unreasonable to the extent that it exceeded and exceeds 29 cents.

437. Rate of 34 cents per 100 pounds on sugar, in carloads, from Savannah, Ga., to Montgomery, Ala., found to have been and to be unreasonable to the extent that it exceeded and exceeds 31 cents.

438. Reparation awarded.

Lukens Steel Co v. *Director General*, 57 I. C. C., 621.

439. Rates on bituminous coal, in carloads, from points in West Virginia to Coatesville, Pa., found not unreasonable. Complaint dismissed.

Lowry Lumber Co. v. *Director General*, 57 I. C. C., 623.

440. Error of initial carrier in diverting a carload of lumber from Memphis, Tenn., to Cairo, Ill., instead of to Alton, Ill., where it later arrived, not found to have resulted in damage to complainant. Complaint dismissed.

United Verde, Etc., Co. v. *Director General*, 57 I. C. C., 625.

441. Rate on infusorial earth, in carloads, from Lompoc, Calif., to Clarkdale, Ariz., found unreasonable. Reparation awarded and reasonable maximum rate prescribed for the future.

Atlantic Ref. Co. v. *Director General*, 57 I. C. C., 627.

442. Demurrage charges collected at Lancaster, Pa., for detention of a car unloaded before shipment because of an embargo, found not to have been unjust or otherwise unlawful. Complaint dismissed.

Northern Grain & Warehouse Co. v. *Director General*, 57 I. C. C., 629.

443. Rate of 76 cents per 100 pounds on oats, in carloads, from points in South Dakota to Portland and Helix, Oreg., and Tacoma, Wash., found to have been unreasonable to the extent that it exceeded 61 cents. Reparation awarded.

Philadelphia Quartz Co. v. *Director General*, 57 I. C. C., 632.

444. Rates on coal ashes and cinders, in carloads, from Jersey City, N. J., to Rahway and Woodbridge, N. J., and from Perth Amboy, N. J., to Rahway, found unreasonable. Reparation awarded.

Lowry Lumber Co. v. *Director General*, 57 I. C. C., 635.

445. Charges on a carload of lumber from Derry, La., to Dupo, Ill., reconsigned to Rushville, Ind., not shown to have been assessed on an excessive weight. Complaint dismissed.

Rudy-Patrick Seed Co. v. *Director General*, 57 I. C. C., 637.

446. Joint rates on sweet-clover seed, in carloads, from Wheatland, Wyo., to Kansas City, Mo., found unreasonable to the extent that they exceeded the aggregates of the contemporaneous intermediate rates to and from Cheyenne, Wyo. Reparation awarded.

St. Louis Chamber of Commerce v. *B. & O. R. R. Co.*, 57 I. C. C., 639.

447. The relationship of rates on coal from mines in Illinois and Indiana, under which the rate to St. Louis, Mo., on the west bank of the Mississippi River, is 20 cents a ton higher than the contemporaneous rate to East St. Louis, Ill., directly opposite on the east bank, held not to be improper.

448. Owing to the short haul on this coal, the volume of the rate to East St. Louis held to be insufficient, without an undue depletion of line-haul revenues, to

require the absorption of this differential, which is the charge of the Terminal Railroad Association of St. Louis for the transfer of the coal across its Mississippi River bridges and ferries and its delivery in St. Louis. Difference in treatment of differentials on long and short haul traffic discussed.

449. The mere fact that certain of the lines that bring this coal from the mines to East St. Louis, as a part of the transportation to St. Louis, are proprietary lines of the terminal association referred to, which operates their joint terminals as a unit in and between the St. Louis and East St. Louis rate districts, does not require, as a matter of correct legal interpretation, the application of a common rate to the two districts. Nor is it material to the issue presented in this case whether the cities of St. Louis and East St. Louis are to be viewed as together comprising but a single industrial and economic unit.

Thomas Iron Co. v. *Director General*, 57 I. C. C., 657.

450. Rate of $1.30 per net ton on coke from Seaboard, N. J., to Hokendauqua, Pa., found not unreasonable. Complaint dismissed.

Cuyahoga Valley Ry. Co. v. *Director General*, 57 I. C. C., 660.

451. Refusal of defendants to increase the amount of their absorption of complainant's switching charges on shipments between points on complainant's line and points of interchange with defendants' lines not found to be unlawful. Complaint dismissed.

National Ref. Co. v. *Director General*, 57 I. C. C., 663.

452. Rates on petroleum and its products, in carloads, from Coffeyville, Kans., to Healdton, Okla., found to have been and to be unreasonable. Reasonable maximum rates on those commodities in tank cars prescribed for the future and reparation awarded.

De Laval Separator Co. v. *A. & R. R. R. Co.*, 57, I. C. C., 668.

453. Ratings in official, western, and southern classifications and resulting rates on centrifugal cream separators, in carloads and less than carloads, not shown to be unreasonable *per se* or in comparison with the ratings and rates on agricultural implements, other than hand.

454. Ratings and rates on centrifugal cream separators, in boxes, not shown to be unreasonable in comparison with the ratings and rates on the same commodity in crates.

455. Rules applicable on straight carloads of agricultural implements, other than hand, and mixed carloads of agricultural implements, other than hand, and centrifugal cream separators, permitting stoppage in transit partly to unload and storage in transit not shown to be unjustly discriminatory. Complaint dismissed.

United States Cast Iron, Etc., Co. v. *Director General*, 57 I. C. C., 677.

456. On complaint that the allowance to complainant for spotting cars within its plant at Burlington, N. J., is inadequate: *Held*, Without passing upon our power to order an increased allowance, that complainant has not demonstrated the propriety of an increased allowance for the spotting service in question. Complaint dismissed.

Waste Merchants Asso. v. *Director General*, 57 I. C. C., 686.

457. On complaint that carriers serving tariff-named piers and stations in New York and Brooklyn, N. Y., failed to render the service of loading carload shipments of waste paper stock provided for under the rates in their tariffs, thereby compelling complainant's members to furnish such service by means of their own employees; and that in consequence rates were exacted which were in violation of sections 1, 2, and 3 of the act to regulate commerce, and of section 10 of the Federal control act: *Held*, That the variance of the practice from the tariff undertaking was as much in the interest of complainant's members as of defendants; that the rates collected were not unreasonable, unjustly discriminatory, or unduly prejudicial for the transportation service rendered. Complaint dismissed.

Home Packing & Ice Co. v. *Director General*, 57 I. C. C., 691.

458. Fourth-class and fifth-class rates, respectively, charged on carload shipments of salted meats, in bulk, and packing-house products from Terre Haute, Ind., to Chicago, Ill., found not unreasonable, but the adjustment of rates on those commodities from Terre Haute and St. Louis, Mo., to Chicago found

unduly prejudicial to complainant and unduly preferential of its competitors at St. Louis in so far as the rates from Terre Haute have exceeded the contemporaneous rates from St. Louis. The undue prejudice having been removed, and there being no proof of damage, complaint dismissed.

459. Fourth section relief denied.

Oden & Elliott v. *S. A. L. Ry.*, 57 I. C. C., 698.

460. Findings in supplemental report in this case, 37 I. C. C., 345, denying reparation to Oden & Elliott on 84 shipments of lumber on which they failed to establish that they bore the transportation charges reaffirmed. New parties complainant barred by the statute of limitations. Amended complaint dismissed.

Hines Lumber Co. v. *Director General*, 57 I. C. C., 701.

461. Joint class rate charged on a carload shipment of oats from Chicago, Ill., to Picayune, Miss., in June, 1916, found to have been applicable, but unreasonable to the extent that it exceeded the aggregate of contemporaneous intermediate rates to and from East St. Louis, Ill. Reparation awarded.

Groton Iron Works v. *N. Y., N. H. & H. R. R. Co.*, 57 I. C. C., 704.

462. Charges assessed on carload traffic originating beyond the lines of the New England railroads and delivered to the Groton Iron Works in Groton, Conn., over the New York, New Haven & Hartford Railroad Company's so-called ferry extension spur found unduly prejudicial to the extent that they exceed the charges assessed on like traffic delivered in Groton proper by more than $3 per car.

Schuette & Co. v. *Director General*, 57 I. C. C., 709.

463. Shipments of lumber in carloads from points in Oregon, Washington, Idaho, and Minnesota to Minneapolis or Minnesota Transfer intended for destinations east of Chicago, Ill., were transferred into other cars at Minnesota Transfer and reshipped to ultimate destinations on account of operating rules of the Great Northern and Northern Pacific railways which prohibited their cars from moving off of their lines.

464. Charges in excess of those which would have accrued at the through rates plus applicable reconsigning charges found to have resulted from the unlawful refusal of the Northern Pacific and the Great Northern to permit reconsignment in accordance with their tariffs. Reparation awarded.

Phelps Dodge Corp. v. *Director General*, 57 I. C. C., 714.

465. Rates on copper bullion, in carloads, from points in Arizona to New York, N. Y., not found to be unreasonable or otherwise unlawful.

466. Rates on copper bullion, in carloads, from points in Arizona to Galveston, Tex., found unreasonable and reasonable maximum rates prescribed for the future.

Anaconda Copper Mining Co. v. *Director General*, 57 I. C. C., 723.

467. Rates on smelter products from numerous points of origin, principally in the west, to destinations chiefly in the east, found not to have been or to be unreasonable, unjustly discriminatory, or unduly prejudicial except as stated below.

468. Rates on smelter products, carloads, from points in Washington and Idaho found to have been and to be unduly prejudicial.

469. Rates on smelter products from points in Arizona and Texas to Galveston, Tex., found to be unreasonable, and reasonable maximum interstate rates prescribed.

470. Failure of defendants to establish refining-in-transit arrangement at Baltimore, Md., on shipments of smelter products moving from points principally in the west not found unreasonable, unjustly discriminatory, or unduly prejudicial.

471. Reparation denied.

National Supply Co. v. *C., M. & St. P. Ry. Co.*, 57 I. C. C., 739.

472. Rates on anthracite coal from certain points in Pennsylvania to destinations in Iowa, Kansas, Missouri, and Nebraska not found unreasonable or unduly prejudicial. Complaint dismissed.

Newspapers on passenger cars, 57 I. C. C., 743.

473. Proposed increased rate on newspapers transported in passenger cars between stations on the Kansas City, Kaw Valley & Western Railway, Kansas

City, Mo., to Lawrence, Kans., inclusive, found not justified, and suspended schedule required to be canceled.

Donner Steel Co. v. *D., L. & W. R. R. Co.*, 57 I. C. C., 745.

474. Practice of defendants to spot cars or make an allowance for spotting cars at the plants of complainant's competitors in the Buffalo rate district while refusing to spot cars or make an allowance therefor at complainant's plants in that district found to be unduly prejudicial Complainant not shown to have been damaged.

Whitehouse Barrel Co. v. *Director General*, 57 I. C. C., 753.

475. Rates applicable on slack barrel gum staves, in carloads, from Greenwood, Miss., to Hastings, Fla., found not unreasonable or otherwise unlawful. Refund of overcharge on one shipment directed. Complaint dismissed.

Frost & Co. v. *Director General*, 57 I. C. C., 755.

476. Import rate on soya-bean oil in carloads from Seattle, Wash., to Babbitt, N. J., found not to have been unreasonable or unduly prejudicial. Shipments found to have been overcharged and reparation awarded.

Congoleum Co. v. *Director General*, 57 I. C. C., 757.

477. Rates on congoleum, in carloads, from Marcus Hook, Pa., to Oklahoma City, Okla., found unreasonable. Reasonable rates prescribed and reparation awarded.

In re Assignment of Freight Cars, 57 I. C. C., 760.

478. Report rendered in reply to Senate resolution directing the Commission to inform the Senate upon what authority it issued an order to carriers and shippers relative to assignment of freight cars.

Hersey, Etc., Co. v. *Director General*, 58 I. C. C., 1.

479. Rates on skelp iron, in carloads, from Cohoes, N. Y., to Welland, Ontario, found unreasonable to the extent that they exceeded the contemporaneous aggregates of the intermediate rates to and beyond Black Rock, N. Y. Reparation awarded.

Johnson v. *G. N. Ry. Co.*, 58 I. C. C., 3.

480. Carload shipment of sheep from Nashua, Mont., to Mexico, Mo., found to have been misrouted. Reparation awarded.

Gulf Ref. Co. v. *T. & P. S. Ry. Co.*, 58 I. C. C., 5.

481. Rate on gasoline and lubricating oil, in tank-car loads, from Port Arthur, Tex., to Memphis, Tenn., found not unreasonable. Complaint dismissed.

Gulf Ref. Co. v. *D., L. & W. R. R. Co.*, 58 I. C. C., 7.

482. Rates on shipments of fuel oil in carloads moving from Bergen Junction, N. J., to Schenectady, N. Y., during the spring and summer of 1917 found unreasonable to the extent that they exceeded 11.6 cents per 100 pounds. Reparation awarded.

Du Pont de Nemours & Co. v. *Director General*, 58 I. C. C., 9.

483. Rates on bituminous coal, in carloads, from mines in Pennsylvania and West Virginia to Philadelphia, Pa., reshipped to Carneys Point, N. J., found not unreasonable or otherwise unlawful. Complaint dismissed.

Lowry Lumber Co. v. *Director General*, 58 I. C. C., 12.

484. Demurrage charges at Cincinnati, Ohio, and Boston, Mass., on a carload of lumber from Doucette, Tex., found not unreasonable, but failure promptly to execute reconsignment instructions found to have resulted in higher charges than would otherwise have lawfully accrued. Reparation awarded.

Wholesale Coal Trade Asso. v. *Director General*, 58 I. C. C., 15.

Upon complaints alleging that the demurrage charges and rules in effect since November 11, 1918, on coal held at Baltimore, Md., Philadelphia, Pa., and at certain points in the vicinity of New York, N. Y., for transshipment by water beyond were and are unreasonable, unjustly discriminatory, and unduly prejudicial: *Held*, that

485. The demurrage charges assessed on tidewater coal from November 11, 1918, to March 2, 1919, both inclusive, were not unreasonable.

486. The demurrage charges assessed between March 3, 1919, and March 31, 1919, both inclusive, were unreasonable to the extent that they exceeded charges based upon five days free time and a demurrage charge of $2 per car per day, and that the charges and free-time rule in effect since March 31, 1919, have been and are reasonable.

487. The monthly period for adjusting credits and debits under the average agreement was not and is not unreasonable.

488. The difference in treatment accorded the complainants and the lakeport shippers does not constitute a violation of section 3.

489. The tidewater regulations are not unduly prejudicial to the smaller tidewater shippers.

490. The record does not justify a departure from the general rule with respect to denying relief from demurrage charges which accrued during strikes.

491. Reparation awarded or collection of undercharges waived to the basis above found reasonable.

Cairo Board of Trade v. *Director General*, 58 I. C. C., 35.

492. Rates on hay, in carloads, from Cairo, Ill., to points in southeastern Arkansas found not unjust or unreasonable. Complaint dismissed.

Ferrell & Co. v. *C. & N. W. Ry. Co.*, 58 I. C. C., 38.

493. Rates on potatoes, in carloads, from Minnesota and Wisconsin points to Dumesnil, Ky., found unreasonable to the extent that they exceeded the rates to Louisville, Ky., by more than 7.5 cents per 100 pounds.

494. Rate on potatoes, in carloads, from Rice, Minn., to Dumesnil, Ky., found unreasonable to the extent that it exceeded by more than 2 cents per 100 pounds a reasonable rate from the Princeton-Cambridge group in Minnesota to Dumesnil.

495. Reparation awarded.

Old Ben Coal Corp. v. *Director General*, 58 I. C. C., 42.

496. Combination rates on bituminous coal, in carloads, from Christopher and West Frankfort, Ill., to West Allis, Wis., based on Chicago, Ill., found unreasonable. Reparation awarded.

Atlantic Ref. Co. v. *Director General*, 58 I. C. C., 46.

497. The fact that certain rates on petroleum naphtha were voluntarily readjusted since June 25, 1918, causing reductions and increases, does not of itself justify the conclusion that the rates established on June 25 were unreasonable.

498. Rates applicable on petroleum naphtha, in tank-car loads, from Crichton, La., to Pittsburgh, Pa., found unreasonable to the extent that they exceeded and exceed the aggregates of the intermediate rates subject to the interstate commerce act contemporaneously in effect to and beyond Jeffersonville Ind. Reparation awarded and measure of reasonable maximum rates for the future prescribed.

Waukesha Pure Food Co. v. *Director General*, 58 I. C. C., 49.

499. Southern classification rating of first class applied on shipments of powdered dessert preparations from Waukesha, Wis., to Atlanta, Ga., each separate carton of which contained a small bottle of liquid flavoring, found to have been unreasonable and unduly prejudicial. Reparation awarded.

Hubinger Bros. Co. v. *Director General*, 58 I. C. C., 53.

500. Rates on fuel oil, in carloads, from points of origin shown in Boyd's tariff I. C. C. No. A-916 to Keokuk, Iowa, found unreasonable and unduly prejudicial, and reasonable and nonprejudicial relationship of rates prescribed for the future.

501. Reparation denied on certain shipments.

Board of Trade of Nashville v. *G. & F. Ry.*, 58 I. C. C., 59.

502. Class and commodity rates to and from Nashville, Ga.; from and to Ohio and Mississippi River crossings and beyond: New Orleans and lower Mississippi River crossings; Virginia cities, Baltimore, Md., New York, N. Y., and the east, both all rail and rail and water; the Buffalo-Pittsburgh zone; central freight association territory; intraterritorial points in southeast territory; and the south Atlantic ports, found to be unreasonable and unduly prejudicial. The case held open for the purpose of determining what will be reasonable and nonprejudicial rates to and from Nashville as compared with the rates to and from other near-by points.

Miller-Link Lumber Co. v. *Director General*, 58 I. C. C., 65.

503. Rate on ice, in carloads, from Orange, Tex., to Starks, La., found unreasonable to the extent that it exceeded or may exceed the aggregate of the intermediate rates subject to the interstate commerce act, contemporaneously in effect over the route of movement to and beyond Mauriceville, Tex. Reparation awarded.

Southern Pacific Company's Ownership of Atlantic Steamship Lines, 58 I. C. C., 67.

Upon application of the Southern Pacific Company, under the provisions of section 5 of the act to regulate commerce as amended by the Panama Canal act, for a modification of the order heretofore entered in this proceeding to permit operation of its Atlantic Steamship lines in either regular or irregular service between New York, N. Y., and Port Arthur, Sabine Pass, Texas City, Freeport, Houston, Beaumont, and Orange, Tex., and between Portland, Me., Boston, Fall River, and New Bedford, Mass., Providence, R. I., Philadelphia, Pa., and Baltimore, Md., on the one hand, and New Orleans La., Galveston, Tex., and other Gulf ports named, on the other: *Held:*

504. That it is possible for the Southern Pacific Company to compete with the proposed boat lines.

505. That such service is not in the interest of the public and of advantage to the convenience and commerce of the people, and will exclude or prevent competition on the routes by water. Application denied.

Burnham-Munger-Root, Etc., Co. v. *Director General*, 58 I. C. C., 73.

506. Rates charged for the transportation of shipments of cotton piece goods from New England and Atlantic seaboard territories to Kansas City, Mo., via Memphis, Tenn., found to have been unreasonable to the extent that they exceeded the aggregate of intermediate rates based on Memphis. Reparation awarded.

Lehigh Valley Coal Sales Co. v. *Director General*, 58 I. C. C., 76.

507. Demurrage rules in effect at Irvington, N. J., and Wende, N. Y., in March, 1919, not found to have been or to be unjust or unreasonable. Complaint dismissed.

Pittsburgh Plate Glass Co. v. *Director General*, 58 I. C. C., 81.

508. The failure of the defendants to perform the service of switching and spotting interstate carload shipments moving between the trunk line and loading and unloading points within the limits of complainant's plant, or to make complainant an allowance covering the cost of that service performed by it, not found unreasonable but found to subject complainant to undue prejudice, to the undue preference of competitors of complainant receiving from defendants such service or allowance. Reparation denied.

Montana Oil Co. v. *A., T. & S. F. Ry. Co.*, 58 I. C. C., 85.

509. Rate on petroleum and its products, in carloads, to Montana destinations from points in northern Oklahoma found not unreasonable but found unduly prejudicial to the extent that it exceeds the rate contemporaneously in effect from Kansas points to the same destinations; and like rates from southern Oklahoma found unduly prejudicial to the extent that they exceed the rate contemporaneously in effect from northern Oklahoma and Kansas points to Montana points by more than the differentials currently in effect on like shipments from southern Oklahoma points, on the one hand, and northern Oklahoma, on the other, to Kansas City, Mo., but not to exceed 5 cents per 100 pounds. Reparation denied.

Tide Water Oil Co. v. *Director General*, 58 I. C. C., 92.

510. The practice of the Central Railroad Company of New Jersey and its connections in absorbing the charges of the East Jersey Railroad & Terminal Company at Bayonne, N. J., on certain traffic to and from certain independent industries served by the latter while refusing to absorb the charges on such traffic of complainant, other than lighterage freight, not shown to have been or to be unjustly discriminatory or unduly prejudicial, as alleged. Complaint dismissed.

Badger Lumber Co. v. *A., T. & S. F. Ry. Co.*, 58 I. C. C., 97.

511. Rates to points on a portion of the line of the Kansas City Railways Company known as the Westport Belt not shown to be unreasonable but found to be unduly prejudicial. Reparation denied.

512. Application of Kansas City Railways Company for permission to increase freight rates on the Westport Belt found to have been justified.

Procter & Gamble Co. v. *C., N. O. & T. P. Ry. Co.*, 58 I. C. C., 108.

513. Rates on coconut oil in tank-car loads between Ivorydale, Ohio, and Macon, Ga., found to have been unreasonable. Reparation awarded.

Sullivan Lumber Co. v. *G. N. Ry. Co.*, 58 I. C. C., 110.

514. Rules in defendants' tariffs limiting to 10 days after arrival at first destination right to recousign eastbound shipments of lumber, shingles, and other forest products at the through rate from point of origin to final destination found not unreasonable or unduly prejudicial. Complaint dismissed.

Lowry Lumber Co. v. *Director General*, 58 I. C. C., 113.

515. Demurrage on lumber from points in Alabama, Arkansas, Louisiana, and Texas to points in Missouri, Illinois, Michigan, Ohio, and Pennsylvania found not unreasonable.

516. Demurrage on lumber from Silas, Ark., to Kansas City, Mo., found to have been in excess of the tariff charge. Refund of overcharge directed.

Danzer & Co. v. *C. & O. Ry. Co.*, 58 I. C. C., 119.

517. Demurrage charges assessed for the detention at West Liberty station, Pittsburgh, Pa., of a carload of lumber shipped from Beaver Dam, Va., to Greencastle, Pa., found not unreasonable or otherwise unlawful. Complaint dismissed.

Lindsay Sheridan Co. v. *S. P. Co.*, 58 I. C. C., 121.

518. Charges on a carload of apples from Watsonville, Calif., to Sheridan, Wyo., found to have been unreasonable.

519. A carload of cantaloupes from Keyes, Calif., to Sheridan, found to have been misrouted and rate over route shipment should have moved found unreasonable. Reparation awarded.

N. Y. & P. Co. v. *Director General*, 58 I. C. C., 124.

520. Rates of $1.10 per gross ton for the transportation intrastate of bituminous coal, carloads, from the Snow Shoe, Grass Flat, Munson, and Hawk Run districts of central Pennsylvania applicable via the lines of the New York Central and Pennsylvania railroads to Lock Haven, Pa., not found to have been unreasonable or otherwise unlawful. Complaint dismissed.

Nebr. Bridge, Etc., Co. v. *Director General*, 58 I. C. C., 129.

521. Rates for the transportation of cedar posts and piling in carloads from points in Tennessee and Alabama to destinations in Iowa, Kansas, Nebraska, and Colorado found unreasonable to the extent that they exceed the lowest combination of rates subject to the interstate commerce act contemporaneously in effect from and to the same points. Similar bases prescribed for the future. Reparation awarded.

Boehmer Coal Co. v. *P., C., C. & St. L. R. R. Co.*, 58 I. C. C., 133.

522. Rates charged on coal in carloads from points in Illinois to East St. Louis, Ill., and St. Louis, Mo., found applicable and not unreasonable or otherwise unlawful. Fourth section relief denied. Complaint dismissed.

Chicago, Lake Shore & S. B. Ry. Co. v. *Director General*, 58 I. C. C., 135.

523. Upon complaint alleging that the refusal of defendant to interchange cars for complainant, an electric line, at Calumet, Ind., upon the same terms as are accorded by defendant to steam railroads for a similar service results in undue prejudice and unjust discrimination, *Held*, That the interchange with complainant involves unusual delay and expense because of the inadequacy of the switch connection between complainant and defendant, and that therefore no finding of undue prejudice or unjust discrimination can be made upon this record. Complaint dismissed without prejudice to the right of complainant to bring the matter further to the attention of the Commission if and when the operating difficulty shall have been removed.

Norfolk-Portsmouth Switching, 58 I. C. C., 144.

524. Respondents not having justified the changes in the regulations and practices affecting the absorptions of belt-line switching charges in the Norfolk-Portsmouth district, Virginia, suspended tariffs ordered canceled.

Du Pont de Nemours Powder Co. v. *Director General*, 58 I. C. C., 146.

525. Reparation awarded on shipments of sulphuric acid, in tank-car loads, from points in Florida, Alabama, and Georgia to Hopewell, Va.

Natchez Chamber of Commerce v. *St. L., I. M. & S. Ry. Co.*, 158 I. C. C., 148.

526. Rates on uncompressed cotton from certain points in Louisiana on the Missouri Pacific Railroad to Natchez, Miss., found unduly prejudicial. Undue prejudice ordered removed.

527. Rates on this traffic from certain Louisiana points on the same line to Monroe, La., when destined to interstate points or to New Orleans, La., for export, found unreasonable. Reasonable relationship of rates prescribed.

528. Present rules and regulations of the Missouri Pacific governing concentration of cotton found not to unduly prejudice Monroe, but to be unduly prejudicial to Natchez and unduly preferential of other named compress points in Arkansas and Louisiana. Undue prejudice ordered removed.

Columbian Rope Co. v. *Director General*, 58 I. C. C., 158.

529. Rates on istle or ixtle, in carloads, from Laredo and Eagle Pass, Tex., to Auburn, N. Y., between June 25 and August 7, 1918, found to have been unreasonable. Reparation awarded.

Lakewood Eng. Co. v. *Director General*, 58 I. C. C., 162.

530. Rate applicable on complainant's carload shipments of portable railway tracks, in sections, from Cleveland, Ohio, to New York, N. Y., for export, found unreasonable to the extent that it exceeded the rate contemporaneously applicable on fishplates, switches, turntables, and crossovers, in carloads.

Live Stock Loading and Unloading Charges, 58 I. C. C., 164.

531. Former finding, 52 I. C. C., 209, that loading and unloading of live stock, in carloads, at the Chicago stockyards is a duty of the shipper, reversed.

532. Collection of separate charges from shipper for unloading and loading live stock in addition to the rates on live stock to and from Chicago stockyards found to have been an unlawful and unreasonable practice. Reparation awarded.

533. The stockyards at Chicago found to be terminals of the line-haul carriers, the Chicago Junction Railway, and the stockyard company.

Goss v. *Director General*, 58 I. C. C., 169.

534. Rates charged by the Lehigh Valley Railroad for the transportation of anthracite coal from mines in Pennsylvania to Auburn, N. Y., found to have been and to be unduly prejudicial to the extent that they exceeded or may exceed those contemporaneously charged to Seneca Falls and Naples, N. Y. Reparation denied.

Hagenburg v. *B. Ry. Co.*, 58 I. C. C., 175.

535. Reparation awarded to additional complainants to the extent stated in the original report, 53 I. C. C., 717.

Seaboard By-Product Coke Co. v. *Director General*, 58 I. C. C., 177.

536. Rates on by-product coke, in carloads, from Seaboard and Wharton, N. J., to certain points in Pennsylvania found unreasonable. Reparation awarded.

Heider Mfg. Co. v. *B. & O. R. R. Co.*, 58 I. C. C., 184.

537. Rate on steel bars, plates, and angles, in carloads, from Johnstown, Pa., to Carroll, Iowa, found unreasonable. Reparation awarded. Fourth section relief denied.

Transcontinental Freight Co. v. *Director General*, 58 I. C. C., 187.

538. Charges on shipment of water purifiers from Philadelphia, Pa., to Portland, Oreg., found to have been illegal and unreasonable. Reparation awarded.

Feenberg & Co. v. *Director General*, 58 I. C. C., 191.

539. Rate on secondhand iron pipe from Shreveport, La., to Fort Smith, Ark., found unreasonable and unlawful. Relationship of rates for the future prescribed and reparation awarded.

Okla. Producing & Ref. Corp. v. *Director General*, 58 I. C. C., 193.

540. Rates on empty tank cars on their own wheels from Harvey, Ill., to Muskogee, Okla., found to have been and to be unreasonable. Reparation awarded and reasonable rate prescribed for the future.

Liggett & Myers Tobacco Co. v. *Director General*, 58 I. C. C., 196.

541. Rates on cigarettes and smoking tobacco, in carloads, from San Francisco, Calif., to St. Louis, Mo., and New York, N. Y., found not unreasonable. Complaint dismissed.

Lowry Lumber Co. v. *Director General*, 58 I. C. C., 199.

542. Demurrage charges applicable on a carload of lumber held at Dupo, Ill., because of an existing embargo against the point to which reconsignment was ordered found not unreasonable or otherwise unlawful. Refund of overcharge directed and complaint dismissed.

Powdered Milk Rates, 58 I. C. C., 201.

543. Proposed increased rates on powdered milk, in carloads, from Stamford, Hobart, Bloomville, and Kortright Station, N. Y., to New York, Brooklyn, and Long Island City, N. Y., and to lighterage deliveries in New York harbor, over interstate routes, found to have been justified.

G. W. Portland Cement Co. v. *Director General*, 58 I. C. C., 205.

544. Rates applicable on two carloads of cement from Mildred, Kans., to Healdton, Okla., found unreasonable and unduly prejudicial. Reparation awarded.

Plymouth Cordage Co. v. *Director General*, 58 I. C. C., 208.

545. Rate on imported sisal, in carloads, from New Orleans, La., Mobile, Ala., and Gulfport, Miss., to Welland, Ontario, found not unreasonable or unduly prejudicial. Complaint dismissed.

Northern Potato Traffic Asso. v. *C., B. & Q. R. R. Co.*, 58 I. C. C., 211.

546. Rates on potatoes, in carloads, from points in Minnesota to Camp Custer, Mich., found to have been unreasonable to the extent that the component from Battle Creek, Mich., to Camp Custer exceeded 2 cents per 100 pounds with a minimum charge of $7.50 per car. Reparation awarded.

Franzen v. *Director General*, 58 I. C. C., 213.

547. Intrastate rates on brewers' refuse from Chicago, Ill., to Bensenville, Ill., found not unreasonable. Complainant not shown to have been damaged by reason of alleged unjust discrimination or undue prejudice. Complaint dismissed.

Coal from B., R. & P. Ry. Points, 58 I. C. C., 215.

548. Proposed cancellation of joint rates on bituminous coal from Buffalo, Rochester & Pittsburgh Railway stations between Vintondale, Pa., and Josephine, Pa., to eastern points, including tidewater, found to have been justified, and order of suspension vacated.

Bretney Co. v. *Director General*, 58 I. C. C., 217.

549. Rate of 19.5 cents on tan bark, in carloads, from Webbville and Willard, Ky., to Springfield, Ohio, found not unreasonable. Complaint dismissed.

550. Fourth section relief denied.

Increased Rates, 1920, 58 I. C. C., 220.

551. Certain increases authorized in rates, fares, and charges of carriers in the territorial rate groups defined in the report.

Coal from S. V. R. R. Stations, 58 I. C. C., 261.

552. Proposed cancellation of joint rates on coal from mines on Sewell Valley Railroad to destinations on the Chesapeake & Ohio Railway and its connections found not justified. The suspended schedules ordered canceled.

Haarmann Vinegar & Pickle Co. v. *Director General*, 58 I. C. C., 266.

553. Fifth-class rate on apple juice in tank car, shipped October 4, 1918, from Blair, Nebr., to Omaha, Nebr., found not unreasonable. Complaint dismissed.

Halfpenny v. *Director General*, 58 I. C. C., 268.

554. Demurrage charges on a carload of lumber held at Jennings ton, W. Va., found to have been illegally assessed. Reparation awarded.

Local Fares of the Hudson & Manhattan Railroad Company, 58 I. C. C., 270.

555. Present interstate local passenger fare of 6 cents between Jersey City and Hoboken, N. J., and Hudson Terminal station, New York, N. Y., and of 10 cents between Jersey City and Hoboken and stations on respondent's uptown line in New York, Christopher street to Thirty-third street, inclusive, found justified, and proposed fare of 8 cents found not to have been justified. Cancellation of suspended schedules required.

Express Rates, 1920, 58 I. C. C., 281.

556. Proposed increased class and commodity express rates, computed to represent an average increase of 25.16 per cent of present rates, found not justified upon the record, but an increase of 12.5 per cent of present rates found justified, except that rates on milk and cream may be equalized with those contemporaneously applied by the railroad lines between the same points.

557. No adequate ground disclosed to support the request of shippers for the exception of certain commodities from the application of increased rates.

558. A prescription of "terminal to terminal" rates, to apply in the absence of pick-up and delivery service, or deductions from the published rates where either service is not rendered, not deemed warranted by the record.

559. No warrant found for requiring the establishment of carload commodity rates on rubber tires, inner tubes, or fabric lower than the less-than-carload or any-quantity rates, to apply where the shipppers load and unload.

Switching Rates on Coal at Elkhorn City, 58 I. C. C., 298.

560. Proposed cancellation by the Chesapeake & Ohio Railway Company of a charge of $5 per car for switching coal, loaded in cars furnished by the Carolina, Clinchfield & Ohio Railway, from the mine tipples of the Federal Coal Company and the Elkhorn City Coal Company, at Elkhorn City, Ky., to the connection tracks with the Carolina, Clinchfield & Ohio Railway at Elkhorn City, when destined beyond, found not justified and schedules under suspension ordered canceled.

Increased Rates, 1920, 58 I. C. C., 302.

561. Supplementing the original report herein, 58 I. C. C., 220, percentage increases authorized upon freight traffic within Illinois territory, and between that territory and points in certain other territories.

562. Carriers authorized, in the publication of passenger fares, to round out fractions to the next whole cent.

Nat'l. Industrial Traffic League v. *Amer. Ry. Express Co.*, 58 I. C. C., 304.

563. *Decker & Sons* v. *Director General*, 55 I. C. C., 453, followed in interpreting, and passing upon the reasonableness of, the last clause of rule 7 of the uniform express receipt, relating to the payment of claims after the period of two years and one day therein specified.

Armour Grain Co. v. *Director General*, 58 I. C. C., 306.

564. Minimum carload weight provision on oats from points in Minnesota, North Dakota, and South Dakota to Pacific coast points found to have been unreasonable. Reparation awarded.

Natchez Chamber of Commerce v. *A. H. T. Ry. Co.*, 58 I. C. C., 310.

565. Class rates between Natchez, Miss., and Texas points in common point territory, prescribed in previous report and orders, 52 I. C. C., 558, as to which said order was made inoperative by order of July 18, 1919, for distances in excess of 350 miles, reinstated for distances of 500 miles and less.

566. Orders denying fourth section relief and made inoperative in part reinstated.

Arella Coal Co. v. *P. & W. V. Ry. Co.*, 58 I. C. C., 313.

567. Defendants' practices in the distribution of coal cars during the period from October 1, 1917, to and including March 22, 1918, found to have been unduly prejudicial to complainants.

568. Complainants found to have been damaged and record held open to afford opportunity for proof of amount of damages sustained.

Mitsui & Co. v. *Director General*, 58 I. C. C., 322.

569. Rate of $1.75 per 100 pounds charged on shipments of peanuts, in carloads, from Seattle and Tacoma, Wash., to Houston, Tex., found to have been applicable, but unreasonable to the extent that it exceeded $1.50 per 100 pounds. Reparation awarded.

Riter-Conley Mfg. Co. v. *Director General*, 58 I. C. C., 327.

570. Failure of the Pennsylvania Railroad Company, Western Lines, to spot interstate shipments at complainant's plant at Leetsdale, Pa., or to pay a reasonable compensation to complainant for performing the service, found unduly prejudicial. Reparation denied.

Ball Bros. Glass Mfg. Co. v. *Director General.*, 58 I. C. C., 331.

571. Rates on glass fruit jars, fruit jar tops, and jelly glasses, in straight or mixed carloads, from Wichita Falls, Tex., to points in Louisiana, found unduly prejudicial to the extent that they exceed the rates on similar traffic from Blackwell, Sand Springs, or Sapulpa, Okla., to the same destinations.

Strasburg Steam Flouring Mills v. *S. Ry. Co.*, 58 I. C. C., 337.

572. Original finding in 53 I. C. C., 52, that the rates and regulations applied to the transportation of wheat, in carloads, from points in and west of central territory and from points in Pennsylvania, Maryland, Virginia, and West Virginia, milled in transit at Charlestown, W. Va., Winchester, Va., or Strasburg, Va., and forwarded as products of wheat to destinations in Carolina territory, were, and for the future would be, unduly prejudicial to the extent that they resulted in higher total charges than those applicable under the rates and regulations contemporaneously applied by defendants to the transportation of similar shipments moving through Charlestown, Winchester, and Strasburg and milled in transit at Lynchburg or Danville, Va., affirmed on further hearing. Undue prejudice ordered removed.

573. Fourth section relief denied.

State of Idaho v. *Director General*, 58 I. C. C., 342.

574. Rates on green fruits, in packages, and on apples, in packages or in bulk, in carloads, from Idaho points to various interstate destinations, found not to be unreasonable or unduly prejudicial. Complaint dismissed.

Southern Appalachian Asso. v. *L. & N. R. R. Co.*, 58 I. C. C., 348.

575. Defendant's practice of not counting against the distributive share of particular mines, cars to be loaded with coal for use by the defendant as fuel, attacked as unreasonable and unduly prejudicial The practice complained of was discontinued prior to the hearing, and is now expressly forbidden by statute. Complaint dismissed.

Ill. Coal Traffic Bureau v. *Director General*, 58 I. C. C., 351.

576. Present relationship of rates on bituminous coal from grouped points in Illinois and Indiana and from named docks on Lakes Superior and Michigan to points in Wisconsin, northern Iowa, Minnesota, North Dakota, and South Dakota, representing a change from the relationship existing prior to December 1, 1910, by reason of greater increases in the rates from Illinois and Indiana than from the docks, not found to subject complainants to undue prejudice or to unduly prefer the dock coal operators. Complaint dismissed.

Northern Potato Traffic Asso. v. *G. N. Ry. Co.*, 58 I. C. C., 360.

577. Allegation that car rental charges assessed on potatoes moving in railroad-owned refrigerator cars were illegal, not sustained.

578. Rental charge of $5 per car per trip on refrigerator cars held to apply to each running trip of a car into or out of a transit point. Exaction of a car rental charge on shipments of complainant's members, while shipments of their competitors from points in Colorado and Idaho are not subjected to a like charge, not shown to be unjustly discriminatory or unduly prejudicial.

579. Storage-in-transit charge on potatoes of 3 cents per 100 pounds at Minneapolis, St. Paul, and Minnesota Transfer, Minn., not found unreasonable. Complaint dismissed.

Hines Lumber Co. v. *Director General*, 58 I. C. C., 365.

580. Demurrage charges collected on three carloads of lumber held at Chicago, Ill., for reconsignment to a point against which an embargo had been placed by the Federal Government not found to have been unlawfully assessed. Complaint dismissed.

American Shipbuilding Corp. v. *Director General*, 58 I. C. C., 367.

581. Upon complaint alleging that refusal of defendants to accord to Hog Island, Pa., the water-competitive basis of rates on shipments of lumber moving from the south results in rates that are unreasonable and unduly prejudicial: *Held*, That the rates were not and are not unreasonable, but were and are unduly prejudicial, and that complainant was not daamged by the undue prejudice disclosed.

Summit Sand & Gravel Co. v. *C., T. H. & S. E. Ry. Co.*, 58 I. C. C., 371.

582. Switching charges for movement of various carloads of sand and gravel during the period from June 25 to July 29, 1918, from plants within the switching limits of Terre Haute, Ind., to team tracks and industries within said switching limits, found to have been unreasonable. Reparation awarded.

Calif. Citrus League v. *Director General*, 58 I. C. C., 373.

Upon complaint alleging that the rates applicable on citrus fruits from California producing points to all points in the United States, Canada, Alaska, and Mexico were and are unreasonable, unjustly discriminatory, and unduly prejudicial; that the charges for refrigeration were and are unreasonable to the extent that they include compensation for the cost of hauling ice; that the separate charges for reconsignment, diversion, demurrage, track storage, and heater service were and are unreasonable *per se;* and that the application of standard refrigeration charges from point of origin to destination on shipments of citrus fruits pre-cooled and pre-iced by the shippers and re-iced in transit were and are unreasonable and unduly prejudicial: *Held*,

583. That the rate on oranges to points in blanket territory between the Rocky Mountains and the Atlantic seaboard, north of the Ohio and Potomac rivers, in effect prior to June 25, 1918, and as increased under the provisions of general order No. 28 of the Director General, was not, and is not, unreasonable, unjustly discriminatory, or unduly prejudicial.

584. That the rate on lemons to said blanket territory in effect prior to June 25, 1918, and as increased under the provisions of general order No. 28 of the Director General, was not, and is not, unreasonable, unjustly discriminatory, or unduly prejudicial.

585. The record affords no basis for a finding as to the propriety of the rates to points located elsewhere than in the blanket territory mentioned.

586. The rule which related to refrigeration charges on shipments of oranges and lemons pre-cooled and pre-iced by the shippers was unreasonable. Reparation awarded on basis of rule found reasonable in *Perishable Freight Investigation*, 56 I. C. C., 449.

Warren & Ouachita Valley Railway, 58 I. C. C., 397.

587. Petition of the Warren & Ouachita Valley Railway Company for dismissal as a party to *The Tap Line Case*, denied.

Culver & Port Clinton Railroad Company, 58 I. C. C., 402.

588. The Culver & Port Clinton Railroad Company found not to be a common carrier subject to the interstate commerce act.

Allowances to Kanawha, Glen Jean & Eastern, 58 I. C. C., 465.

On further consideration of the original report herein, 41 I. C. C., 53, *Held:*

589. Division accorded by Virginian Railway Company to Kanawha, Glen Jean & Eastern Railroad Company out of through rates on interstate shipments of coal found not excessive. Division for the future should not exceed 17.9 cents per net ton.

590. Division by Chesapeake & Ohio Railway Company to Kanawha, Glen Jean & Eastern Railroad Company out of through rates on interstate shipments of coal should not exceed 12 cents per net ton.

591. Rate of Kanawha, Glen Jean & Eastern Railroad Company on interstate shipments of coal from mines on its line, delivered to Chesapeake & Ohio Railway at Kilsythe junction, W. Va., found unreasonable. Reasonable rate prescribed for the future.

592. Petition for further hearing denied.

Du Pont de Nemours & Co. v. *Director General*, 58 I. C. C., 412.

593. Rates on crude sulphur, in carloads, from Bryanmound, Tex., to Powder, W. Va., and Fairchance, Pa., found not unreasonable or unjustly discriminatory. Complaint dismissed.

National Petroleum Asso. v. *M., K. & T. Ry. Co.*, 58 I. C. C., 415.

594. Upon further hearing reparation awarded on all shipments of petroleum and its products from Coffeyville and Caney, Kans., to Oklahoma points which moved during the statutory period. Former reports in 46 I. C. C., 495, and 47 I. C. C., 355, modified.

McLean Lumber Co. v. *A. G. S. R. R. Co.*, 58 I. C. C., 421.

595. Rate on logs in carloads from Eutaw and Boligee, Ala., to Chattanooga, Tenn., found not to have been unreasonable. Complaint dismissed.

Transcontinental Freight Co. v. *Director General*, 58 I. C. C., 424.

596. Charges on a mixed carload of rivet heating furnaces, machinery, and other articles, from Philadelphia, Pa., to Portland, Oreg., found not to have been unreasonable. Complaint dismissed.

Du Pont de Nemours & Co. v. *Director General*, 58 I. C. C., 427.

597. Rate on sulphuric acid, in tank-car loads, from Elkton, Md., to Hopewell, Va., found not unreasonable. Complaint dismissed.

Lehigh Portland Cement Co. v. *Director General*, 58 I. C. C., 429.

598. Rates exacted by defendants for the transportation of crushed stone intrastate from quarries to cement mills at Mitchell, Ind., found to have been unjust and unreasonable to the extent that they exceeded 10 cents per net ton, when in cars furnished by shipper and 20 cents per net ton when in cars furnished by carrier, minimum weight in either case marked capacity of car. Reparation awarded.

599. In the absence of showing that intrastate rates cause undue or unreasonable advantage, preference, or prejudice we are without jurisdiction to prescribe the amount of such rates for the future.

American Cement Plaster Co. v. *F. W. & D. C. Ry. Co.*, 58 I. C. C., 435.

600. Demurrage charges on a carload of wall plaster shipped from Agatite, Tex., to Miami, Fla., which accrued at Miami as a result of error in billing by Southern Railway Company, found to have been unlawfully assessed. Reparation awarded.

Ohio Cities Gas Co. v. *Director General*, 58 I. C. C., 437.

601. Rate on gas oil, in carloads, from Cabin Creek Junction, W. Va., to Petersburg, Va., found unreasonable. Reparation awarded.

Ulary v. *P. R. R. Co.*, 58 I. C. C., 439.

602. Demurrage and storage charges at Philadelphia, Pa., on two carloads of tight barrels consigned from Townsend, Mass., to Town Point Wharf, Md., found illegal. Reparation awarded.

Union Cypress Co. v. *F. E. C. Ry. Co.*, 58 I. C. C., 442.

603. Rates charged for transportation of lumber in carloads from Hopkins, Fla., to Baltimore, Md., Utica, N. Y., and other points during the period June 25, 1918, to February 14, 1919, both inclusive, found unreasonable to the extent that they exceeded rates subsequently established. Reparation awarded.

Transit Privileges on Lumber at Nashville, 58 I. C. C., 444.

604. Proposed cancellation of respondent's transit rules at Nashville, Tenn., on lumber, in carloads, originating at various points on its lines and moving out of Nashville in connection with the Louisville & Nashville Railroad, found not justified, but respondent permitted to file new schedules conforming to the views set forth in the report.

Oakdale & Gulf Railway Company, 58 I. C. C., 450.

605. The Oakdale & Gulf Railway found to be a common carrier tap line entitled to maintain joint rates and divisions with its trunk-line connections.

606. Divisions to the Oakdale & Gulf must not be made for wasteful or circuitous services, nor may they exceed the maxima prescribed in the fifth supplemental order in the *Tap Line Case*, 31 I. C. C., 490, subject to the increases authorized in *Ex Parte* 74, 58 I. C. C., 220. A statement of any arrangement made must be filed with the Commission.

Electric Railway Mail Pay, 58 I. C. C., 455.

607. The space-basis system to govern the transportation of mails by electric railroads found fair and reasonable.

608. Fair and reasonable rates prescribed for the different classes of mail service.

609. Side terminal and transfer service to be assumed by the department, or to be paid for on ascertainment of the cost of such service.

610. Certain rules prescribed for conduct of the service.

Increased Rates, 1920, 58 I. C. C., 489.

611. Supplementing our original report, 58 I. C. C., 220, carriers authorized to increase rail-lake-and-rail rates between points on the Atlantic seaboard and interior points, on the one hand, and St. Paul and Minneapolis, Minn., and points grouped therewith, on the other, upon the same basis as is applied to corresponding rates to and from Duluth, Minn.

North Iowa Traffic Asso. v. *Director General*, 58 I. C. C., 491.

612. Class rates between points in official classification territory east of the Indiana-Illinois state line and points in northern Iowa not shown to be unreasonable or unduly prejudicial. Complaint dismissed.

Buckeye Steel Castings Co. v. *H. V. Ry. Co.*, 58 I. C. C., 500.

613. Refusal of defendants to grant an allowance to complainant for the cost of performance of switching by complainant not found unduly prejudicial. Complaint dismissed.

Gazette Publishing Co. v. *B. F. & I. F. Ry. Co.*, 58 I. C. C., 503.

614. Rates on newsprint paper, carloads, from Brainerd, Cloquet, Grand Falls, International Falls, Little Falls, and Sartell, Minn., and Eau Claire, Merrill, Grand Rapids, Port Edwards, and Steven's Point, Wis., to Little Rock, Ark., not shown to have been or to be unreasonable. Complaint dismissed. Fourth section relief denied.

Western Lime & Cement Co. v. *Director General*, 58 I. C. C., 508.

615. Rates on portland cement from Milwaukee, Wis., to intrastate destinations not found unreasonable. Complaint dismissed.

Interstate Packing Co. v. *C. & N. W. Ry. Co.*, 58 I. C. C., 510.

616. The defendant carrier's transit rule permitting carload shipments of live hogs from points west of Winona, Minn., to Cudahy, Wis., and other destinations, to be stopped at Winona to finish loading or for weighing, resting, feeding, watering, or sorting found to have been legally established and not shown to be unlawful. Complaint dismissed.

Indianapolis Chamber of Commerce v. *C., C., C. & St. L. Ry. Co.*, 58 I. C. C., 515.

617. Rates on cattle and hogs, in carloads, from the Missouri River to Indianapolis, Ind., found to be not unreasonable but to be unduly prejudicial to the extent that they exceed the rates contemporaneously in effect from the Missouri River to Chicago, Ill., by more than 10 cents per 100 pounds.

Ala.-Ga. Syrup Co. v. *L. & N. R. R. Co.*, 58 I. C. C., 521.

618. Rates on molasses and syrup in carloads, in barrels and in tank cars, from New Orleans, La., to Montgomery, Ala., found unreasonable to the extent that they exceeded the aggregates of the intermediates, but found unduly prejudicial to the extent that they exceeded and exceed the rates contemporaneously maintained from New Orleans to Nashville, Tenn. Reparation denied

except on certain shipments via Mobile, Ala., upon which the through rate charged exceeded the aggregate of the intermediate rates.

619. Authority to continue rates on molasses and syrup in carloads, in barrels and in tank cars, from New Orleans to Nashville lower than to Montgomery or from or to other intermediate points denied.

Lodwick-White Coal Co. v. *Director General*, 58 I. C. C., 530.

620. Present adjustment of rates on coal from complainants' mines on the line of the Iowa Southern Utilities Company to St. Joseph and Kansas City, Mo., and Atchison, Leavenworth, and Kansas City, Kans., and to points in Missouri intermediate to the Missouri River, found to subject complainants' mines to undue prejudice and disadvantage and unduly to prefer mines of their competitors located at or in the vicinity of Centerville and Trask, Iowa. Rates found not unreasonable as maxima. Division of joint through rates prescribed.

Dothan Chamber of Commerce v. *Director General*, 58 I. C. C., 537.

621. Class rates and commodity rates on agricultural cultivating implements, axes in boxes, special iron articles, and cotton ties and buckles, in carloads, from Pittsburgh, Pa., to Dothan, Ala., found not unreasonable.

622. Class rates and commodity rates on axes in boxes from Pittsburgh to Dothan not found unduly prejudicial. Commodity rates on agricultural cultivating implements, special iron articles, and cotton ties and buckles from Pittsburgh to Dothan found unduly prejudicial. Nonprejudicial rates prescribed for the future.

Mine Timbers from Missouri to Illinois Points, 58 I. C. C., 545.

623. Cancellation of joint rates for the transportation of mine timbers, carloads, from certain points in Missouri on the St. Louis-San Francisco Railway to certain points in Indiana and Illinois on the Chicago & Eastern Illinois and the Pittsburgh, Cincinnati, Chicago & St. Louis railroads, and the application, in lieu thereof, of rates based on combination via Mississippi River crossings, found to have been justified. Order of suspension vacated.

Silica Sand Producers' Traffic Asso. v. *Director General*, 58 I. C. C., 549.

624. Rates on silica sand, in carloads, from the Ottawa district in northern Illinois to points east of the Indiana-Illinois state line, as compared with rates from Gray's Summit, Silica, and Pacific, Mo., to the same destinations, found to subject sand producers in the Ottawa district to undue prejudice and disadvantage to the undue preference and advantage of competing sand producers located at the Missouri points named. Nonprejudicial adjustment of rates prescribed.

625. Rate of $3.40 per ton from the Ottawa district to Charleston, W. Va., is, and for the future will be, unreasonable and unduly prejudicial to the extent that it exceeds, or may exceed, the rate to Pittsburgh, Pa.

626. Rate of $2.30 per ton from the Ottawa district to Cincinnati, Ohio, is, and for the future will be, unduly prejudicial to consumers of sand at that point, and unduly preferential of their competitors located at Evansville, Ind., to the extent that it exceeds, or may exceed, the rate to the latter point.

Lake Erie & Fort Wayne R. R. Co., 58 I. C. C., 558.

627. Lake Erie & Fort Wayne Railroad Company found to be a common carrier of property subject to the interstate commerce act which may lawfully participate in joint rates with other common carriers and have its charges on interstate shipments absorbed under appropriate tariff provision by the roads having the line haul. Its compensation must not be more than is reasonable, and a complete and specific statement of any basis agreed upon must be filed with the Commission immediately upon its adoption.

Chicago Short Line Ry. Co., 58 I. C. C., 561.

628. Chicago Short Line Railway Company found to be a common carrier of property subject to the interstate commerce act which may lawfully participate in the joint rates with other common carriers, or have its switching charges on interstate shipments absorbed under appropriate tariff provision by the roads having the line haul. Its compensation must not be more than is reasonable; and a complete and specific statement of any basis agreed upon must be filed with the Commission immediately upon its adoption.

Reconsignment and Diversion Rules, 58 I. C. C., 568.

Fifteenth section applications proposing certain additional uniform reconsignment rules and increased charges approved in following particulars:

629. Reconsignment of less-than-carload shipments of freight should be permitted when forwarded in one car from one station on one day by one shipper on one bill of lading, for delivery to one consignee at one destination, and the revenue paid thereon is not less than charged for the following minimum quantities: On butter, eggs, cheese, dressed poultry, game, and all other perishable commodities for the movement of which in less-than-carload quantities refrigerator or ventilator cars will be furnished under the tariffs, and for the movement of which a refrigerator or ventilator car is actually used, 15,000 pounds; on all other freight in ordinary equipment, 24,000 pounds.

630. Rule proposing that shipments reconsigned where back hauls or out-of-line hauls are involved will be subject to the published rates to and from the points of reconsignment plus reconsignment charge of $5 found justified in so far as it concerns reconsignment involving back hauls, except that when such a shipment has not been placed for unloading at the reconsignment point the charge should be the through rate plus the published local or other rates applicable to the back-haul movement in both directions and the reconsignment charge. Proposed rule in so far as it concerns out-of-line hauls where through rates apply from original point of origin to final destination via point of reconsignment found not justified.

631. Rule proposing that shipments covered by "order" or "order notify" bills of lading placed on hold tracks awaiting surrender of bill of lading, or shipments which are placed for inspection of contents before delivery, and which necessitates subsequent movement of car to place of delivery, will be considered as reconsignments within the switching limits before placement and subject to the provisions and charges in rule 8, found justified, provided that surrender of original bill of lading shall not be a condition precedent to the placement of the car or to the giving of the order designating where car shall be placed for unloading, except that where place of delivery designated is other than the local team tracks, original bills of lading must be surrendered or indemnity bonds executed in lieu thereof, or other satisfactory assurance given carrier.

632. Rules proposing on shipments of fruits and vegetables at points in western and southern classification territories, one free reconsignment at the through rate and two additional reconsignments at the through rate plus reconsignment charges; and in official classification territory generally, two reconsignments at the through rates plus reconsignment charges, found justified.

Dougherty & Co. v. *Director General*, 58 I. C. C., 589.

633. Claim for reparation on account of demurrage accrued on cars loaded with oats detained by reason of carrier's default in its contract to furnish water for the operation of complainant's elevator, not within jurisdiction of this Commission.

634. Claim for reparation on account of demurrage accrued by alleged failure of United States Food Administration to promptly issue permits to exempt complainant's shipment from an embargo denied. Complaint dismissed.

Northern Potato Traffic Asso. v. *A., T. & S. F. Ry. Co.*, 58 I. C. C., 592.

635. Findings in original report, 50 I. C. C, 528, with respect to rates and award of reparation on potatoes, in carloads, to northeast Texas, extended to include additional points of origin in Minnesota and Wisconsin, and reparation awarded.

636. Joint rates from Minnesota and Wisconsin producing points to Texas common-point territory in excess of the aggregate of intermediate rates subject to the interstate commerce act over the same routes found to have been unreasonable to the extent of such excess. In the absence of proof of such shipments reparation denied.

St. L. E. T. Ry. Co. v. *C., C., C. & St. L. Ry. Co.*, 58 I. C. C., 597.

637. Findings in our original report, 55 I. C. C., 52, modified upon further hearing to the extent indicated.

New Bedford Board of Commerce v. *Director General*, 58 I. C. C., 601.

638. Through rates on imported Egyptian cotton from Mystic Wharf, Boston, to New Bedford, Mass., found not to have been or to be unjust, unreasonable, or unduly prejudicial. Complaint and petitions in intervention dismissed.

Gross v. *Director General*, 58 I. C. C., 604.

639. Embargo declared by the New York & Pennsylvania Railway against its entire line but carried into effect in connection with one gateway only, found not an unreasonable practice under the circumstances of record.

640. Rates charged on shipments of empty glass containers from Shinglehouse, Pa., to points in New England via Ceres and New York, N. Y., and on certain shipments of sand and lime from Dunkirk, N. Y., via Ceres to Shinglehouse, found not to have been unreasonable.

641. Rates charged on shipments of empty glass containers from Shinglehouse, Pa., to points in New England via Genesee, Pa., and on shipments of soda ash, sand, lime, cullet, and lumber, to Shinglehouse from points in New England, New York, and Ohio, via both Ceres, N. Y., and Genesee, Pa., found to have been unreasonable to the extent that they exceeded rates that would have been applicable between the same points via Canisteo, N. Y. Reparation awarded.

Natchez Chamber of Commerce v. *L. & A. Ry. C.*, 58 I. C. C., 610.

642. Rates on certain commodities between Natchez, Miss., on the one hand, and points in western Louisiana on the other, relatively higher than the commodity rates applying between points within western Louisiana found to subject Natchez to undue prejudice and disadvantage. Reasonable rates prescribed for the future and the undue prejudice required to be removed.

Chicago, L. S. & S. B. Ry., Co. v. *Director General*, 58 I. C. C., 647.

643. Defendants required to establish through routes and joint rates in connection with complainant, via its junction with the Lake Erie & Western Railroad at Michigan City, Ind., between points on complainant's line west of Michigan City, and points on the lines of defendants in Indiana and states to the east thereof.

644. Failure and refusal of the defendant Lake Erie & Western Railroad to perform reciprocal switching in connection with complainant at Michigan City, while performing such switching in connection with the Pere Marquette or Chicago, Indianapolis & Louisville railroad at that point, found to subject complainant to unjust discrimination and undue prejudice, which is ordered removed.

Safety Appliances, 58 I. C. C., 655.

645. Application of American Railroad Association on behalf of certain railroad companies for a further extension of time within which to make their freight-train cars conform to certain standards of equipment prescribed by the Commission pursuant to the provisions and requirements of an act to supplement the safety appliance acts, approved April 14, 1910, as amended, denied.

El Paso Sash & Door Co. v. *Director General*, 58 I. C. C., 659.

646. Rates on "roofing paper" held not applicable to shipments of "prepared roofing."

647. Rates on building paper, roofing paper, and prepared roofing from San Francisco, Richmond, Paraffin, and Los Angeles, Calif., to Phoenix and Douglas, Ariz., Deming, N. Mex., and El Paso, Tex., not shown to have been or to be unreasonable.

648. Rates on prepared roofing from points of origin, except Los Angeles, Calif., to Phoenix, Ariz., found to be unduly prejudicial to the extent that they exceed rates contemporaneously maintained on like traffic from same points of origin to Albuquerque and Tucumcari, N. Mex., or Denver, Colo.

649. Reparation denied.

Manufacturers' Junction Railway Company, 58 I. C. C., 666.

650. Manufacturers' Junction Railway Company found to be a common carrier of property subject to the interstate commerce act which may lawfully participate in joint rates with other common carriers and have its charges on interstate shipments absorbed under appropriate tariff provision by the roads having the line haul. Its compensation must not be more than is reasonable and a complete and specific statement of any basis agreed upon must be filed with the Commission immediately upon its adoption.

Lakeside & Marblehead Railroad Company, 58 I. C. C., 671.

651. The Lakeside & Marblehead Railroad Company found to be a common carrier subject to the interstate commerce act, which may lawfully participate with its trunk line connection in joint interstate rates. Its divisions of such

rates must be no more than reasonable, and a specific and complete statement of any basis agreed upon must be filed with the Commission immediately upon its adoption.

Valley Railroad Company, 58 I. C. C., 677.

652. Valley Railroad Company found to be a common carrier subject to the interstate commerce act, which may lawfully participate in joint rates with other common carriers and have its charges on interstate shipments absorbed under appropriate tariff provision by the roads having the line haul. Its compensation must not be more than is reasonable, and a complete and specific statement of the present arrangement or any other basis agreed upon must be filed with the Commission.

Bay Terminal Railroad Company, 58 I. C. C., 680.

653. The Bay Terminal Railroad Company found to be a common carrier of property subject to the interstate commerce act which may participate in joint rates with and lawfully receive divisions or absorptions from its trunk line connections. Its compensation must not be more than is reasonable, and a complete and specific statement of any basis agreed upon must be filed with the Commission immediately upon its adoption.

Monroe Chamber of Commerce v. *A. & S. Ry. Co.*, 58 I. C. C., 685.

654. Class and certain commodity rates applicable between Monroe, La., and points in Texas found to be unreasonable and to subject Monroe to undue prejudice and disadvantage to the extent that they exceed the rates herein prescribed.

Intermediate Switching at Appleton, Wis., 58 I. C. C., 691.

655. Proposed increased charges for intermediate switching at Appleton, Wis., found not justified, and suspended schedule ordered canceled. Charge of $5 per car authorized.

Cairo Asso. of Commerce v. *Director General*, 58 I. C. C., 695.

656. Rates on lumber, in carloads, from certain points in Tennessee on the Nashville, Chattanooga & St. Louis Railway to Cairo, Ill., found unreasonable. Reasonable basis of rates prescribed.

State of Washington v. *Director General*, 58 I. C. C., 701.

657. Rates on apples and green fruits from points in Washington and Oregon to all destinations found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Express Rates, 1920, 58 I. C. C., 707.

658. Proposed additional increase of 15 per cent in class and commodity express rates in effect at the date of our preceding report herein, 58 I. C. C., 281, found not justified, but an additional increase of 13.5 per cent, or a total increase of 26 per cent, in those rates found justified, subject to the stated exceptions as to rates on milk and cream.

Empire Refineries v. *Director General*, 58 I. C. C., 713.

659. Rate on fuel oil in tank-car loads from Gainesville, Tex., to Valverda, La., not found unreasonable or unduly prejudicial, but found to have been and to be unlawful. Complaint dismissed.

Coffee from Galveston and Other Gulf Ports, 58 I. C. C., 716.

660 Proposed rates on coffee in carloads from Gulf ports to various points found not justified. Carriers required to cancel proposed tariffs without prejudice to filing tariffs publishing rates in accordance with bases found proper.

Switching on Coal at Springfield, 58 I. C. C., 728.

661. Order suspending proposed increased switching rate on soft coal, in carloads, from certain mines at Springfield, Ill., vacated and proceeding discontinued.

Conover v. *M. & St. L. R. R. Co.*, 58 I. C. C., 729.

662. Refusal of defendant to reconsign from Peoria, Ill., to Baltimore, Md., certain carloads of corn originating at points in Iowa and Minnesota found to have been unlawful. Complainants not shown to have been damaged and complaint dismissed.

Less Carload Refrigerator Car Protective Service, 58 I. C. C., 731.

663. Proposed charges of the Duluth, South Shore & Atlantic Railway for heater-car service on less-than-carload traffic found not justified. Cancellation of suspended schedule required.

Moreland Motor Truck Co. v. *Director General*, 58 I. C. C., 735.

664. Rates on cast steel vehicle wheels, in carloads and less than carloads, from Syracuse, N. Y., to Los Angeles, Calif., found not unreasonable or unduly prejudicial. Complaint dismissed.

Sugar from California Points to Arizona, 58 I. C. C., 737.

665. Proposed cancellation of rates on sugar, in carloads, minimum 36,000 pounds, from points in California to points in Arizona and other states west of the Mississippi River found justified. Order of suspension vacated.

Coal from Norton & Northern Railway Mines, 58 I. C. C., 739.

666. Proposed increase in rates on coal in carloads from points on the Norton & Northern Railway to destinations in Carolina and southeastern territories found not justified. Suspended schedules ordered canceled.

Western Meat Co. v. *Director General*, 58 I. C. C., 743.

667. Reimbursement to complainant for initial icing of shipments of fresh meat and packing-house products from South San Francisco, Calif., to various interstate destinations, authorized. Complaint dismissed.

Zelnicker Supply Co. v. *Director General*, 58 I. C. C., 745.

668. Rate applicable on relay rails, in carloads, from Vaughan, N. C., to East St. Louis, Ill., found unreasonable. Adjustment of charges directed and complaint dismissed.

669. Fourth section relief granted.

Ayres, Bridges & Co. v. *Director General*, 58 I. C. C., 748.

670. Import rate on wool in the grease found applicable to import shipment of camels' manes from Vancouver, B. C., to New York, N. Y., and not unreasonable. Refund of overcharge directed and complaint dismissed.

Lookout Planing Mills v. *Director General*, 58 I. C. C., 751.

671. Rates applicable on carload shipments of carpenters' tool chests from Chattanooga, Tenn., to Jeffersonville, Ind., found not unreasonable. Complaint dismissed.

Trexler Lumber Co. v. *Director General*, 58 I. C. C., 754.

672. Failure of defendants to stop at Osgood, N. C., for milling two carloads of lumber from Mooshaunee, N. C., to Coplay, Pa., found not to have been unlawful. Complaint dismissed.

Rice Potato Co. v. *C., B. & Q. R. R. Co.*, 58 I. C. C., 757.

673. Rates on potatoes, in carloads, from Oak Park, Foley, Mora, and Milaca, Minn., to points in Oklahoma and Missouri, found unreasonable. Measure of reasonable maximum rates prescribed and reparation awarded.

674. Fourth section relief denied.

Living Conditions of Railway Trainmen, 58 I. C. C., 761.

675. In compliance with Senate resolution, the Commission investigated the living conditions of railway trainmen at division points, collected, classified, and tabulated the information obtained, and made this report thereon.

Kosmos Portland Cement Co. v. *Director General*, 59 I. C. C., 1.

676. Rates on cement, in carloads, from Kosmosdale, Ky., to points in southwestern Ohio, not including Cincinnati, found not to be unreasonable or unduly prejudicial. Complaint dismissed.

Wheeler Lumber Bridge & Supply Co. v. *Director General*, 59 I. C. C., 6.

677. Rates to Des Moines, Iowa, on lumber and forest products from Kansas City and St. Louis, Mo., and points taking St. Louis or differentially higher rates, including Cairo, Ill., found not unreasonable or unduly prejudicial. Complaint dismissed.

Wharton Steel Co. v. *Director General*, 59 I. C. C., 11.

678. The Wharton & Northern Railroad Company found to be a common carrier of traffic switched and spotted for the proprietary industry.

679. Refusal of defendants to establish and maintain joint rates, including terminal and spotting services, to and from the loading and unloading points at the Wharton Steel Company's plant at Wharton, N. J., and to its ore yard near Wharton Junction, N. J., or the imposing upon complainant of charges in excess of those accruing at the line-haul or junction-point rates, while contemporaneously maintaining such rates including the terminal and spotting services or according the benefit of the line-haul or junction-point rates without additional charges for the terminal or spotting services at competitive furnace points, found unduly prejudicial.

680. Complainant not shown to have been damaged; reparation denied.

Birmingham Packing Co. v. *Director General*, 59 I. C. C., 27.

681. Nonabsorption by the Louisville & Nashville Railroad of the switching charges of the Birmingham Belt Railroad on shipments of live stock from certain points in Alabama to North Birmingham, Ala., found to have resulted in the collection of unreasonable charges. Reparation awarded.

Pittsburgh Forge & Iron Co. v. *Director General*, 59 I. C. C., 29.

682. Defendants' nonallowance to complainant for the service of spotting cars at points of loading and of unloading within complainant's plant not shown to have been or to be unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Seaboard By-Product Coke Co. v. *Director General*, 59 I. C. C., 35.

683. Rates charged on bituminous coal, in carloads, from Pennsylvania and other mines to Seaboard, N. J., as reconsigned from Elizabethport and Port Reading, N. J., coal piers, found to have been unjust and unreasonable. Reparation awarded.

Western Petroleum Refiners' Asso. v. *Director General*, 59 I. C. C., 38.

684. Rates on petroleum and its products, in tank-car loads, from Drumright, Pemeta, Oilton, and certain other points in Oklahoma to various interstate destinations, based on an arbitrary of 1 cent per 100 pounds over existing group rates from points in the same general territory, found unreasonable and unduly prejudicial. Relationship of rates prescribed.

Potatoes between Points in Western Trunk Line Territory, 59 I. C. C., 42.

685. Proposed cancellation of tariff provision under which class C rates are applied as maxima on potatoes, in carloads, from points in Wisconsin, Minnesota, and other states to points in western trunk line territory found not justified. Suspended schedules ordered canceled.

Cancellation of Rates with the G., M. & N. R. R., 59 I. C. C., 45.

686. Proposed cancellation of joint rates in connection with the Gulf, Mobile & Northern Railroad found not justified. Suspended schedules ordered canceled.

Fabrication of Iron and Steel at St. Louis, 59 I. C. C., 47.

687. Proposed cancellation of provisions permitting fabrication in transit at St. Louis, Mo., of structural iron and steel from Pittsburgh, Pa., and other points of origin, to Memphis, Tenn., New Orleans, La., and other lower Mississippi Valley destinations found not justified. Suspended schedules required to be canceled.

Abandonment of Service by C. & E. I. R. R., 59 I. C. C., 49.

688. Proposed cancellation of respondents' rates via Chicago & Eastern Illinois Railroad to, from, or via Thebes, Ill., in connection with the St. Louis-San Francisco Railway found not justified. The suspended schedules ordered canceled.

Lehigh Portland Cement Co. v. *Director General*, 59 I. C. C., 51:

689. Rates on cement, in carloads, from the Kansas gas belt, Hannibal, Mo., and Buffington, Ind., to points in the Kansas City, Mo.-Kans., switching district, found unduly prejudicial in comparison with the rates from Cement City (Sugar Creek), Mo., and from Bonner Springs, Kans., to the same points, and the rates from Bonner Springs to the same points found unduly prejudicial in com-

parison with the rates from Cement City (Sugar Creek). Relationship of rates indicated for the future.

United States Cast Iron P. & F. Co. v. *Director General*, 59 I. C. C., 59.

690. Maximum allowance of $1.04 per car paid complainant for performing interchange switching and spotting services at its plant at Addyston, Ohio, not found to have been or to be inadequate or to have resulted or to result in the exaction of unreasonable, unjustly discriminatory, or unduly prejudicial rates. Complaint dismissed.

Parlin & Orendorff Co. v. *Director General*, 59 I. C. C., 63.

691. Rates of $3.45 and $3.40 per net ton charged on carload shipments of bituminous coal, between September, 1918, and February, 1919, from Yamacraw and Worley, Ky., via Peoria, Ill., to Canton, Ill., found to have been unreasonable to the extent that they exceeded rates of $3.25 and $3.15 per net ton, respectively, established June 10, 1919. Reparation awarded.

Decker & Sons v. *Director General*, 59 I. C. C., 67.

692. Rates on fresh meats and packing-house products, in straight or mixed carloads, from Mason City, Iowa, to Minneapolis, Minn., and on packing-house products from Mason City to Duluth, Minn., found not unreasonable. Complaint dismissed.

Boston Chamber of Commerce v. *Director General*, 59 I. C. C., 73.

693. Certain changes specified in the report required in defendants' rules for reconsignment.

694. Refund should be made by the carriers of overcharges on certain shipments not actually placed for unloading.

Birmingham Packing Co. v. *Director General*, 59 I. C. C., 81.

695. Rates and controlling classification ratings on carload shipments of meats and packing-house products from Birmingham, Ala., to points in Ohio, New York, Pennsylvania, New Jersey, Massachusetts, Rhode Island, Virginia, and the District of Columbia not found unreasonable or otherwise unlawful except to the extent that the rates on fresh meat in carloads from Birmingham to Ohio River crossings and points north thereof exceed those contemporaneously in effect from Andalusia, Ala., a farther distant point. Reparation denied for want of proof of damage and complaint dismissed.

Lowry Lumber Co. v. *Director General*, 59 I. C. C., 90.

696. Demurrage charges on carload shipments of lumber originating at points in Alabama, Louisiana, Mississippi, Texas, and Washington that accrued at points in Illinois, Iowa, Missouri, and New York found not unreasonable. Complaints dismissed.

Jennings-Jarrett Co. v. *Director General*, 59 I. C. C., 93.

697. Rate on bat guano, in carloads, from Laredo, Tex., via St. Louis, Mo., to Paulsboro, N. J., and points taking the same rate found not unreasonable or otherwise unlawful. Complaint dismissed.

Goldsmith Bros. Smelt. & Ref. Co. v. *Director General*, 59 I. C. C., 96.

698. Carload shipment of copper sulphate from Englewood, Ill., to Philadelphia, Pa., found not to have been misrouted. Complaint dismissed.

Du Pont de Nemours & Co. v. *Director General*, 59 I. C. C., 99.

699. Rate applicable on common red brick in carloads from Hopewell, Va., to Carney's Point, N. J., found not unreasonable. Refund of overcharge directed and complaint dismissed.

Dakota Monument Co. v. *Director General*, 59 I. C. C., 101.

700. Storage charges on less-than-carload shipments of stone, granite, and marble cemetery monuments shipped from Fargo, N. Dak., and stored on the carrier's platforms and right of way at points in North Dakota, Montana, and Minnesota found not unreasonable. Complaint dismissed.

La Fayette Box B. & P. Co. v. *Director General*, 59 I. C. C., 105.

701. Demurrage charges on a car of strawboard at La Fayette, Ind., found to have been legally assessed. Complaint dismissed.

Atlantic Refining Co. v. *Director General*, 59 I. C. C., 109.

702. Charges for switching numerous carload shipments of bituminous coal at Philadelphia, Pa., found to have been unreasonable and unlawful. Reparation awarded.

Leigh Banana Case Co. v. *Director General*, 59 I. C. C., 113.

703. Third-class rating in southern classification on banana carriers or banana hampers, in carloads, and less-than-carload rating of one and one-half times first class in official classification on bananas in crates with other than wooden tops, found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Gill v. *Director General*, 59 I. C. C., 119.

704. Rate on grapes, in carloads, from Hammondsport, N. Y., to Newark, N. J., found to have been unreasonable. Reparation awarded.

Cancellation of Rates from T. & W. R. R. Co., 59 I. C. C., 122.

705. Proposed cancellation of joint class rates from points in Ohio and Michigan on the line of the Toledo & Western Railroad to certain points in eastern states found not justified. Suspended schedules ordered canceled.

Switching Charges within Chicago District, 59 I. C. C., 125.

706. Proposed increase in the rates of the Indiana Harbor Belt Railroad on stone and gravel, in carloads, from McCook, La Grange, and Bellewood, Ill., in the Chicago switching district, to stations on its line in Illinois and Indiana, in that district, found justified for application on interstate traffic. Suspension ordered vacated.

INDEX TO POINTS DECIDED IN REPORTED CASES.

[The numbers refer to the corresponding headnotes. For example, the number 24, found under the head of Commodity rates in this index, refers to the paragraph of that number in the foregoing statement of Points Decided by the Commission.]

TABLE OF REPORTED CASES DECIDED.

[On the page indicated will be found the points decided in each case.]

APPENDIX E.

DIGEST OF FEDERAL COURT DECISIONS.

DIGEST OF FEDERAL COURT DECISIONS.

A discussion of court decisions, involving injunctions to restrain enforcement of orders of the Commission and of decisions relative to criminal violations of the law, can be found in the text of this annual report. The decisions abstracted herein involve questions of railway regulations which are closely related to matters arising before commissions.

IN THE SUPREME COURT.

CONFISCATORY RATES.

In *Groesbeck* v. *D., S. S. & A. Ry. Co.*, 250 U. S., 607, decided November 10, 1919, it was held that every part of the railway system over which a passenger is entitled by a state statute to ride for a fare of 2 cents per mile must, whether profitable or unprofitable, be included in the computation taken to determine whether the prescribed rates is confiscatory, and it is immaterial that an extension of a railway company's service was furnished by acquiring traffic rights rather than by building an independent line.

In *Ohio Valley Water Co.* v. *Ben Avon Borough*, 253 U. S., 287, decided June 1, 1920, it was held that withholding from the courts power to determine the question of confiscation according to their own independent judgment when the act of a state public service commission, in fixing the value of a water company's property for rate-making purposes, comes to be considered on appeal as construed by the highest state court must be deemed to deny due process of law, as the remedy by injunction does not afford adequate opportunity for testing judicially an order of the commission alleged to be confiscatory.

RECOVERY OF UNDERCHARGES.

In *P., C., C. & St. L. Ry. Co.* v. *Fink*, 250 U. S., 577, decided November 10, 1919, it was held that the consignee of an interstate shipment is liable to the carrier, under the equal-rates requirement of the interstate commerce act, for the difference between the freight charges erroneously specified in the waybill and paid by the consignee upon receipt of the goods and the larger amount due under the applicable published rates, although the consignee, by virtue of his agreement with the consignor, did not become the owner of the goods until after delivery.

CONFLICTING STATE AND FEDERAL REGULATIONS.

In *Pa. R. R. Co.* v. *Public Service Commission*, 250 U. S., 566, decided November 10, 1919, it was held that regulations of the Interstate Commerce Commission prescribing requisites for caboose cars without platforms, and of the Post Office Department respecting the equipment of mail cars when used as end cars, amount to such an assumption of control by the United States over the subject matter as to invalidate a state statue in so far as it requires that a mail car, when used as the last car in an interstate train, be equipped at its rear end with a platform 30 inches in width and with guard rails and steps.

In *Postal & Cable Co.* v. *Warren-Godwin Lumber Co.*, 251 U. S., 27, decided December 8, 1919, it was held that Congress has so far occupied the entire field of the interstate business of telegraph companies by enacting provisions respecting interstate telegraph rates as to exclude state action invalidating a contract limiting the liability of a telegraph company for error in sending an unrepeated interstate message to the refunding of the price paid for the transmission of the message.

In *W. U. Tel. Co.* v. *Boegli*, 251 U. S., 315, decided January 12, 1920, it was held that Congress by placing telegraph companies under the administrative control of the Interstate Commerce Commission prevents a state from thereafter penalizing the negligent failure of a telegraph company to deliver promptly an interstate telegram in that state.

REBATES.

In *Lehigh Coal & N. Co.* v. *United States*, 250 U. S., 556, decided November 10, 1919, it was held that a coal company which, by agreement in a lease of its railroad to a connecting carrier, has been receiving an allowance from such carrier which was referred to in the carrier's tariff, may when criminally prosecuted for receiving a rebate, offer evidence that such allowance had been accepted in good faith, in the honest belief that the payment was justified by the lease and the allowance was properly published in the rate schedule.

PENALTIES FOR EXCESSIVE RATES.

In *St. L., I. M. & S. Ry. Co.* v. *Williams*, 251 U. S., 63, decided December 8, 1919, it was held that the penalties prescribed by a statute giving to a passenger aggrieved by a carrier's exaction of a fare in excess of the prescribed rate the right to recover in a civil suit not less than $50 nor more than $300 and costs of suit, including a reasonable attorney's fee, can not be said to be so severe and oppressive as to be wholly disproportionate to the offense or obviously unreasonable, and hence to amount to a denial of due process of law.

In *Okla. Operating Co.* v. *Love*, 251 U. S., 331, decided March 22, 1920, it was held that the provisions of a state statute for the enforcement by penalties of rate-fixing orders of the state commission are unconstitutional, because the only judicial review of such orders possible under the state laws is that arising in proceedings to punish for contempt, in which the penalties imposed for a refusal to obey such an order may be $500 for each offense.

DEVICES TO PREVENT REGULATION OF RATES.

In *Producers Transportation Co.* v. *R. R. Commission*, 251 U. S., 228, decided January 5, 1920, it was held that a common carrier can not, by making contracts for future transportation or business, mortgaging its property, or pledging its income, prevent or postpone the exertion by a state of the power to regulate the carrier's rates and practices; nor does the contract clause of the federal constitution interpose any obstacle to the exertion of such power.

ABSENCE OF WRITTEN OPINION ON RATE ORDERS.

In *Napa Valley Elec. Co.* v. *Board of Railroad Commissioners*, 251 U. S., 366, decided January 19, 1920, it was held that the denial by a state supreme court, without opinion, of the petition of a public service corporation for the review of an order of the state railroad commission, sought upon the ground that such order deprived the corporation of its constitutional rights, is the equivalent of a decision adverse to the claims asserted in such petition, and bars a subsequent suit by the corporation to enjoin the enforcement of such order on the same grounds.

COMPELLING OPERATION OF RAILROAD.

In *Brooks-Scanlon Co.* v. *Railroad Commission*, 251 U. S., 396, decided February 2, 1920, it was held that a corporation which, in connection with its sawmill and lumber business, has operated a railroad on which it has done a small business as a common carrier, can not be compelled to continue the operation of the railroad after it has ceased to be profitable, merely because a profit would be derived from the entire business, including the operation of the railroad.

WHEN TRANSPORTATION IS NOT INTERSTATE.

In *United States* v. *Simpson*, 252 U. S., 465, decided April 19, 1920, it was held that the mental purpose of a railway employee traveling on an annual pass, good only on a line wholly within the state, to continue his journey into another state, using another carrier to a point still within the state, where he expected to find awaiting him another pass from the first carrier which would be good for the interstate part of his journey, does not make him an interstate passenger while traveling on the first pass, so as to validate, contrary to local public policy, a stipulation in such pass releasing the carrier from liability for negligence.

In *Pa. Gas Co.* v. *Pub. Service Commission*, 252 U. S., 23, decided March 1, 1920, it was held that the transmission and sale of natural gas, produced in one

state and transported and furnished directly to consumers in a city of another state by means of pipe lines from the source of supply in part laid in the city streets, is interstate commerce; but, in the absence of any contrary regulation by Congress, is subject to local regulation of rates.

TRANSPORTATION BY AUTOMOBILE.

In *United States* v. *Simpson*, 252 U. S., 465, decided April 19, 1920, it was held that the transportation by the owner in his own automobile of intoxicating liquors into a prohibition state for his personal use is comprehended by the prohibition of the Reed amendment.

SEPARATE COACH LAW.

In *South Covington & C. Ry. Co.* v. *Kentucky*, 252 U. S., 399, decided April 19, 1920, it was held that a street railway may be required by a statute of a state to furnish either separate cars or separate compartments in the same car for white and negro passengers, although its principal business is the carriage of passengers in interstate commerce between two cities across a state line; such requirement affects interstate commerce only incidentally, and does not subject it to unreasonable demands. To the same effect, *see C., C. & E. Ry.* v. *Kentucky*, 252 U. S., 408.

COMMODITIES CLAUSE OF ACT.

In *United States* v. *Reading Co.*, 253 U. S., 26, decided April 26, 1920, it was held that the combination in a single corporation of the ownership of all the stock of a carrier and of all the stock of a coal company violates the commodities clause of the interstate commerce act, where all three companies have the same officers and directors, and it is under their authority that the coal mines are worked and the railway operated, and they exercise that authority in the one case in precisely the same character as in the other.

STATE TAX ON FOREIGN INTERSTATE RAILWAY COMPANIES.

In *Wallace* v. *Hines*, 253 U. S., 66, decided May 3, 1920, it was held that a state, when taxing a foreign interstate railway company, can not take into account the property of such railway company situated outside the state unless it can be seen in some plain and fairly intelligible way that such property adds to the value of the railway and the rights exercised in the state.

REPARATION ORDERS OF THE COMMISSION.

In *Spiller* v. *A., T. & S. F. Ry. Co.*, 253 U. S., 117, decided May 17, 1920, it was held that the Interstate Commerce Commission is given a general degree of latitude in the investigation of reparation claims, and the resulting findings and order of the Commission may not be rejected as evidence in a suit to recover the amounts of the reparation awards merely because of errors in its procedure not amounting to a denial of a right to a fair hearing, so long as the essential facts found are based upon substantial evidence.

In the same case it was held that an assignee of the legal title to reparation claims may claim an award of reparation by the Commission and recover the amounts awarded by an action at law, brought in his own name, but for the benefit of the equitable holders of the claims, especially where such is the real purpose of the assignments.

CUMMINS AMENDMENT.

In *C., M. & St. P. Ry. Co.* v. *McCaull-Dinsmore Co.*, 253 U. S., 97, decided May 17, 1920, it was held that the stipulation in the uniform bill of lading that the amount of any loss or damage for which any carrier is liable shall be computed on the basis of the value of the property at the place and time of shipment, including freight charges, if paid, which is sanctioned by the Commission as in no way limiting the carrier's liability to less than the value of the goods, but as merely offering the most convenient way of finding the value, but which does in fact prevent a recovery of the full actual loss, where the shipment would have been worth more at destination than at origin, is inconsistent with and invalidated by the Cummins amendment.

INSTALLATION OF SCALES.

In *G. N. Ry Co.* v. *Cahill*, 253 U. S., 71, decided May 17, 1920, it was held that railway companies may not, consistently with due process of law, be compelled by a state admisistrative order to install cattle-weighing scales at stations from which cattle are shipped.

SINGLE CAR AS UNIT IN DEMURRAGE.

In *Pennsylvania R. R. Co.* v. *Kittaning*, 253 U. S., 319, decided June 1, 1920, it was held that no departure from the established policy manifested in the Uniform Demurrage Code to treat the single car as the unit in applying the allowance of free time and the charges for demurrage, just as in the making of carload freight rates, can be inferred from the declaration in such code that no demurrage charges shall be collected when shipments are frozen while in transit so as to prevent unloading during the prescribed free time, provided a diligent effort to unload is made; each car must be considered separately.

ADAMSON LAW.

In *Ft. S. & W. R. R. Co.* v. *Mills*, 253 U. S., 206, decided June 1, 1920, it was held that nothing in the provisions of the Adamson act forbids the operation of an insolvent road under an agreement between receiver and employees for a lesser wage, which agreement the employees desire to keep.

IN THE CIRCUIT COURTS OF APPEALS.

FAILURE TO FURNISH LIVE STOCK CARS.

In *S. P. Co.* v. *Stevens*, 258 Fed., 165, decided May 19, 1919, the court for the ninth circuit held that in action to recover for failure to furnish live stock cars, a written statement of freight rates delivered to the shipper by the carrier's agent and prepared by clerk in agent's office is admissible, although not actually prepared by agent himself.

INTERSTATE COMMERCE.

In *United States* v. *Moynihan*, 258 Fed., 529, decided July 7, 1919, the court for the third circuit held that in a prosecution for stealing goods moving in interstate commerce the statute will be construed to apply to the case of a shipment from one point in the state to another point, when the route is in part without the state.

In *United States* v. *Atlanta Terminal Co.*, 260 Fed., 779, decided October 15, 1919, it appeared that a terminal company was incorporated as a railroad company, it owned a terminal passenger station and the tracks leading thereto, used by various interstate railroads, sold tickets, checked baggage, and operated switches; the court for the fifth circuit held that such terminal company is a common carrier by railroad engaged in interstate commerce.

In *Ward Baking Co.* v. *Fed. Trade Com.*, 264 Fed., 330, decided February 26, 1920, the court for the second circuit held that where a baking company sends its wagons across a state line in charge of its drivers, who call on retail dealers and then and there sell and deliver bread to them, the sales do not constitute interstate commerce.

POWER OF COURTS OVER RATES.

In *City of Toledo* v. *Toledo Rys. & L. Co.*, 259 Fed., 450, decided June 4, 1919, the court for the sixth circuit held that while a court is without power to affirmatively fix rates of fare to be charged by a street railroad company, it may determine that the enforcement of a rate lower than one proposed would be confiscatory and enjoin the same, and may refuse an injunction, unless the company will accept that rate which the court finds to be reasonable.

TRIAL PERIOD FOR REDUCED RATES.

In the same case, 259 Fed., 450, the same court held that the rule sometimes followed of permitting enforcement of a reduced rate for a trial period does

not require a trial period for a partial increase, where the unchallenged computations show a larger increase to be necessary.

BILLS OF LADING.

In *Rainbolt* v. *Lamson Bros.*, 259 Fed., 546, decided May 28, 1919, the court for the eighth circuit held that a notation on a bill of lading for a car of grain, which rendered it unnegotiable, was not invalidated under the Pomerene act by a subsequent rebilling of the car in interstate commerce without the knowledge of the legal owner of the grain.

SHIPPER'S RIGHT TO ASSEMBLE OR DISASSEMBLE GOODS.

In *Lakewood Eng. Co.* v. *N. Y. C. R. R. Co.*, 259 Fed., 61, decided February 5, 1919, the court for the sixth circuit held that a shipper of goods has the right to refrain from assembling its ultimate product, or to disassemble the same, for shipment in any way that will make the shipment take a lower rate than if the articles were in final form.

UNDERCHARGES.

In the same case, 259 Fed., 61, by the same court it was held that, though shipper billed and carrier transported its articles under a particular tariff for a considerable time, notwithstanding articles fell within another duly published tariff, the rule that practical construction of the contract of both parties will govern does not apply, so as to defeat the carrier's action for the difference between the rate charged and that which should have been exacted; parties having no power to vary a published tariff, even by express contract.

In *New* v. *Denison Clay Co.*, 260 Fed., 70, decided July 7, 1919, the court for the eighth circuit held that under the rule of law that the bill of lading governs the entire transportation, such bill of lading obligating the owner to pay the freight, in connection with the filed and published tariffs, constitutes a written contract to pay the lawful freight as shown by such tariffs, and an action may be maintained thereon within five years in the state of Kansas.

OVERCHARGES.

In *Boise Com. Club.* v. *O. S. L. R. R. Co.*, 260 Fed., 769, decided October 20, 1919, the court for the ninth circuit held that where an Idaho corporation sued a railroad company, a Utah corporation, in Idaho for overcharges claimed to be exacted in violation of the interstate commerce act, the railroad company could not remove the cause to the federal court for Idaho on the ground that the action was based on a federal statute, because the action could not in the first instance have been begun there by the Idaho corporation.

ACTIONS AGAINST GOVERNMENT OWNED CORPORATIONS.

In *Bellaine* v. *A. N. Ry. Co.*, 259 Fed., 183, decided July 7, 1919, the court for the ninth circuit held that the United States, by the purchase of the real and personal property, stock, and bonds of the Alaska Northern Railway Company became the owner, not only of the property, but of the corporation as its agent for governmental and public purposes, and without its consent the corporation can not be sued in tort.

CUMMINS AMENDMENT.

In *C., M. & St. P. Ry. Co.* v. *McCaull Dinsmore Co.*, 260 Fed., 835, decided September 22, 1919, the court for the eighth circuit held that under the Cummins amendment a provision of a bill of lading fixing the carrier's liability at the value of the property at the place and time of shipment is a limitation, invalid, nonenforceable.

In *Wabash Ry. Co.* v. *Holt*, 263 Fed., 72, decided January 14, 1920, the court for the second circuit held that the Cummins amendment governs the liability of connecting carriers, and that a provision of the bill of lading limiting liability to invoice value, which by the statute is made void as to the initial carrier, is also void as to the connecting carriers thereunder.

STREET RAILWAY ORDINANCES AS TO HALF-FARE TICKETS.

In *Dubuque Elec. Co.* v. *Dubuque*, 260 Fed., 353, decided August 19, 1919, the court for the eighth circuit held that a provision of a franchise ordinance granted by a city and accepted by a street railroad company, requiring the company to sell half-fare tickets to certain classes of passengers, did not constitute a contract protected from change by the legislature by the contract clause of the federal constitution, but a government regulation, made under state authority, and subject to revocation by the state.

CARMACK AMENDMENT.

In *McGinn* v. *O.-W. R. & N. Co.*, 265 Fed., 81, decided May 18, 1920, the court for the ninth circuit held that an action for damages under the Carmack amendment, caused by negligence of one of connecting carriers can be treated as one for damages against the delivering carrier for failure to deliver in accordance with the terms of the contract.

CONFISCATORY RATES.

In *Knoxville Gas Co.* v. *Knoxville*, 261 Fed., 283, decided November 5, 1919, the court for the sixth circuit held that where a franchise contract was made between a city and a gas company for a definite term of years, and a maximum rate in form agreed upon, the company can not subsequently have the rate changed to meet changing conditions on the ground that the rate has become confiscatory, in the absence of proof that performance of the contract, taking all the years of the term together, will prove unremunerative.

FEDERAL OPERATION OF RAILROADS.

In *Bloch* v. *United States*, 261 Fed., 321, decided November 26, 1919, the court for the fifth circuit held that where an interstate shipment was made during the period of government operation and control, the government was bailee of the property during its transportation.

In *Kambeitz* v. *United States*, 262 Fed., 378. decided December 17, 1919, the court for the second circuit held that stealing property in course of transportation by an express company operated under federal control, in which the United States has special property as bailee, constituted an offense as "interfering with and impeding the possession, use, operation, and control" of the express company.

In *Krichman* v. *United States*, 263 Fed., 538, decided January 14, 1920, the court for the second circuit held that a baggage porter employed by a railroad under control by the federal government is acting on behalf of the United States in an "official function," so that offering or giving him money to induce him to deliver a trunk to one not the owner is a violation.

In *Hines* v. *Henaghan*, 265 Fed., 831, decided February 16, 1920, the court for the fourth circuit held that the fact that a railroad is under government control does not exempt the management from a suit to restrain it from arbitrarily refusing to furnish cars to a shipper.

REPARATION.

In *V., S. & P. Ry. Co.* v. *Anderson-Tully Co.*, 261 Fed., 741, decided January 19, 1920, the court for the fifth circuit held that in a suit to enforce an award of damages made to a shipper by the Interstate Commerce Commission, the introduction in evidence of the findings and order of the Commission is sufficient to entitle plaintiff to judgment, in the absence of any evidence on behalf of defendant.

INTERSTATE FERRIES.

In *Long* v. *Miller*, 262 Fed., 362, decided December 9, 1919, the court for the fifth circuit held that a village ordinance granting an exclusive license to operate a ferry across the Mississippi River between the village and a city in another state, and making it an offense for any other person to operate a ferry between such places, is void, in violation of the commerce clause of the federal constitution.

FREIGHT CHARGES CREDITED.

In *Rice* v. *L. & N. R. R. Co.*, 264 Fed., 427, decided March 23, 1920, the court for the fifth circuit held that a live stock commission merchant, who had an arrangement with a railroad company by which stock consigned to him was delivered and the freight charged to his account, which he settled later, can not avoid liability for a proper charge in connection with a shipment on the ground that he was known to be merely an agent, and that he had settled with the shipper before he knew of such charge.

CARETAKER IS A PASSENGER FOR HIRE.

In *Gooch* v. *O. S. L. R. R. Co.*, 264 Fed., 664, decided May 17, 1920, the court for the ninth circuit held that a shipper of live stock in interstate commerce accompanying it as caretaker under the usual drover's contract, made a part of the bill of lading, providing for his transportation without extra charge, is a passenger for hire.

PRIOR SUBMISSION TO THE COMMISSION.

In *Hines* v. *Monaghan*, 265 Fed., 831, decided February 16, 1920, the court for the fourth circuit held that a federal court, and not the Commission, has original jurisdiction to determine the right of a railroad company to refuse to furnish cars for loading by a manufacturer of gasoline on the railroad's sidetrack, on the ground that the loading point is too near the main track for safety.

IN THE DISTRICT COURTS.

FEDERAL OPERATION OF RAILROADS.

In *Mardis* v. *Hines*, 258 Fed., 945, decided July 17, 1919, the court for the western district of Arkansas held that an action can not be maintained against a railroad company for injuries to a passenger resulting from negligence of employees occurring after the President had assumed control of railroads.

In *Hatch & Snyder* v. *A., T. & S. F. Ry. Co.*, 258 Fed., 952, decided June 25, 1919, the court for the district of Colorado held that where the federal government has taken over the entire operation of a railroad, the company can not be made liable for injuries to shipments, though section 10 of the federal control act subjects the carrier to all laws and liabilities.

In *Hanbert* v. *B. & O. R. R. Co.*, 259 Fed., 361, decided September 3, 1919, the court for the northern district of Ohio held that liabilities due to operation of railroad by the agency under the federal control act are not those of the railroad company, and a claimant is limited to right of action against the federal control agency.

In *Nash* v. *S. P. Co.*, 260 Fed., 280, decided August 13, 1919, the court for the northern district of California held that under General Order No. 50 of the Director General of Railroads, in an action against a railroad company for an injury alleged to have been caused by negligent operation while the road was under federal control, the Director General will, on his motion, be substituted as defendant, and the company be dismissed therefrom.

In *Loughnan* v. *Hines*, 261 Fed., 218, decided November 7, 1919, the court for the western district of Washington held that under the federal control act an action brought against the Director General is not removable from a state court on the ground that it is one arising under a United States statute.

In *Seaver* v. *Hines*, 261 Fed., 239, decided November 1, 1919, the court for the district of New Hampshire held that neither the federal control act nor any executive regulation thereunder enlarges the jurisdiction of a federal court so as to give it jurisdiction of an action against the Director General on a cause arising in the operation of a railroad entirely foreign to the district, by service on a federal agent employed in operation of a different road within the district.

In *Westbrook* v. *Director General*, 263 Fed., 211, decided January 29, 1920, the court for the northern district of Georgia held that an action in a state court against the Director General is not removable on the ground of diversity of citizenship between plaintiff and the corporation owning such line; but an action against the Director General, arising out of his operation of a railroad

line, involves a controversy to which the United States is a party, and is within the jurisdiction of a federal court.

In *Searer* v. *Hines*, 263 Fed., 454, decided February 25, 1920, the court for the district of New Hampshire held that the temporary possession of cars of a railroad company foreign to the district by employees engaged in operation of another road within the district, does not constitute such employees agents of the foreign companies or of the Director General, on whom service can be made of an action against the foreign carrier.

CONFISCATORY RATES.

In *Mich. Ry. Co.* v. *Lansing*, 260 Fed., 322, decided May 24, 1919, the court for the eastern district of Michigan held that where a street railway company accepted a franchise, the terms of which fixed the rate, the company is not entitled to have the municipality enjoined from enforcing the franchise rate on the theory that increased operating costs rendered the rate confiscatory, and that to require it to operate its cars at such a rate would force it into financial ruin.

CARRIER'S APPROPRIATION OF COAL.

In *Springfield Light, Heat & P. Co.* v. *N. & W. Ry. Co.*, 260 Fed., 254, decided June 11, 1919, the court for the southern district of Ohio held that a railroad company having a contract with a coal company to furnish coal for its engines, on which the coal company was delinquent, had the right to refuse to accept for transportation cars of coal consigned to a commercial buyer, and to appropriate such coal to its use under the contract, where it was necessary to enable it to operate its trains.

DAMAGES FOR VALUE AT PLACE OF SHIPMENT.

In the same case, 260 Fed., 254, the court held that where, under the filed and published tariffs of an interstate railroad company, the rate on coal was based on its value at the mines where shipment was made, a provision of such tariffs, which became a part of its contract of carriage, that the amount of any loss or damage for which the company was liable should be computed on the value of the property at the time and place of shipment, as applied to a coal shipment, is valid and enforceable.

LEASES ON RIGHT OF WAY AT NOMINAL RENTAL.

In *Fireproof Storage Co.* v. *Hines*, 261 Fed., 215, decided October 29, 1919, the court for the eastern district of Washington held that a Washington corporation, which maintained a warehouse in the city of Seattle, can not maintain a suit against an interstate carrier and those engaged in interstate commerce allowed by the carrier to erect warehouses on portions of its right of way, to cancel such leases or privileges, on the ground that they were granted in violation of the interstate commerce act, the damage being too remote for legal redress.

JURISDICTION OF STATE COURT UNDER INTERSTATE COMMERCE ACT.

In *D., M. & T. S. L. Ry.* v. *Monroe*, 262 Fed., 177, decided December 22, 1919, the court for the eastern district of Michigan held that state courts are not without jurisdiction in every case involving rights or questions under the interstate commerce act. The mere fact that in the suit in the state court thus sought to be restrained a federal question is incidentally involved does not authorize a federal court to enjoin the prosecution of such suit, although such federal question, if directly involved, would be within the exclusive jurisdiction of the federal court.

SALES OF UNCLAIMED FREIGHT.

In *United States* v. *United States Brokerage & Trading Co.*, 262 Fed., 459, decided December 24, 1919, the court for the southern district of New York held that in a prosecution for embezzling the proceeds of astray railroad freight, it is immaterial whether the government had the right to sell such freight, since it was at least a bailee of the goods and entitled to possession of the proceeds as against defendants.

FINDING PREVIOUS RATES EXCESSIVE.

In *Morgan Co.* v. *C. N. R. R. Co.*, 263 Fed., 611, decided June 30, 1919, the court for the northern district of Illinois held that an order of the Interstate Commerce Commission fixing rates for the future is not the equivalent of a finding that rates previously charged and collected were unreasonable and unjust, which will support a judgment awarding reparation to a shipper; but there must be a specific finding as to the reasonableness of the rates challenged, and proceedings for that purpose and for fixing future rates are, or may be, entirely separate and distinct.

CANCELLATION OF CLASSIFICATION ITEM.

In *Viscose Co.* v. *Hines*, 263 Fed., 726, decided March 23, 1920, the court for the eastern district of Pennsylvania held that a suit may be maintained under the interstate commerce act without first resorting to the Interstate Commerce Commission to restrain carriers from putting into effect a supplement to their freight classifications whereby the classification under which a commodity has been carried for years is canceled, and the commodity is included among articles not accepted for transportation, as no question of reasonableness of classifications is involved.

REPARATION.

In *Weber* v. *Pa. Co.*, 263 Fed., 945, decided March 8, 1920, the court for the eastern district of Pennsylvania held that an award by the Interstate Commerce Commission of restitution to the owner of a coal mine against a railroad company for discrimination in the distribution of cars was supported by sufficient legal evidence; the court denied a motion for a new trial.

BILLS OF LADING.

In *Old Colony Trust Co.* v. *A., B. & A. R. R. Co.*, 264 Fed., 355, decided March 24, 1920, the court for the northern district of Georgia held that under the law of Georgia a bill of lading for an intrastate shipment is not effective as a written contract, in the absence of signature of the shipper or express allegation of his assent thereto.

In *National Bank* v. *Bradley*, 264 Fed., 700, decided January 6, 1920, the court for the western district of New York held that the possession of a bill of lading, whether endorsed or not, is presumptive evidence of ownership of goods therein described as against any person not showing a better title.

PROVISION IN FRANCHISE FIXING FARE IS A CONTRACT.

In *Meridian L. & Ry. Co.* v. *Meridian*, 265 Fed., 765, decided in May, 1920, the court for the southern district of Mississippi held that a section in a street railroad franchise providing that, in consideration of the rights conveyed to the grantee, he should not charge more than 5 cents for a single ride, is a contractual obligation, and not merely a regulative provision.

VALUATION FOR RATE-MAKING PURPOSES.

In *Houston Electric Co.* v. *Houston*, 265 Fed., 360, decided March 13, 1920, the court for the southern district of Texas held that the value adopted for rate-making purposes is not determined by the same processes that would be applied for sale or condemnation purposes but is the value fair to the utility and the public, as determined from all the circumstances on which a return should be permitted. A street railway company is entitled to a return on the increased valuation of its property over the cost price, since it must also suffer the loss from any diminution of value.

LIABILITY FOR SHORT DELIVERY.

In *Stevens* v. *Cunard S. S. Co.*, 265 Fed., 871, decided May 3, 1920, the court for the southern district of New York held that a provision in a bill of lading limiting liability to £20 for each package unless a higher value is declared and extra freight paid, and another section providing that in case of claim for short delivery the price shall be the market value at port of destination, are to be construed together; the former as fixing the maximum of liability, and the latter applying where the claim is for less than the maximum amount.

APPENDIX F.

AVERAGE ANNUAL RAILWAY OPERATING INCOME CERTIFICATIONS THUS FAR MADE TO THE PRESIDENT PURSUANT TO SECTION 1 OF THE FEDERAL CONTROL ACT, APPROVED MARCH 21, 1918.

AVERAGE ANNUAL RAILWAY OPERATING INCOME.

The certifications thus far made to the President pursuant to section 1 of the federal control act approved March 21, 1918, are shown below; deficits are in *italics*. We have completed the examination of the accounts of 325 carriers and have made such corrected certifications as are indicated below.

Name of carrier.	Original certification.	Corrected certification.
Abilene & Southern Ry Co	$78,375.18	$77,903.71
Ahnapee & Western Ry. Co	31,118.48	30,532.32
Akron Union Passenger Depot Co	8,289.92	7,689.92
Akron & Barberton Belt R. R. Co	30,103.76	(2)
Alabama Great Southern R. R. Co	1,703,179.65	
Alabama & Vicksburg Ry. Co	322,854.47	
Albany Passenger Terminal Co	5,648.49	(2)
Alton & Southern R. R	23,121.87	(2)
American Refrigerator Transit Co.[4]	546,707.97	(2)
Ann Arbor R. R. Co	526,882.96	508,685.57
Anthony & Northern Ry. Co	9,512.52	
Arizona Eastern R. R. Co	1,242,474.82	
Arizona & New Mexico Ry. Co	300,965.13	
Arkansas Central R. R. Co	6,838.58	
Arkansas Western Ry. Co	*6,575.51*	
Arkansas & Louisiana Midland Ry. Co	31,994.06	
Arkansas & Memphis Railroad Bridge & Terminal Co	296,113.18	
Asheville & Craggy Mountain Ry. Co	*3,017.13*	(2)
Ashland Coal & Iron Ry. Co	73,569.57	72,767.70
Atchison, Topeka & Santa Fe Ry. Co	38,443,724.93	
Atchison, Union Depot & R. R. Co	4,196.67	
Atlanta, Birmingham & Atlantic Ry. Co	358,058.43	
Atlanta Terminal Co	68,935.62	(2)
Atlanta & St. Andrews Bay Ry. Co	48,630.09	
Atlanta & West Point R. R. Co	252,995.16	
Atlantic City R. R. Co	222,066.04	
Atlantic Coast Line R. R. Co	10,180,915.15	10,273,542.87
Atlantic & St. Lawrence R. R. Co	*4,271.12*	
Atlantic & Western R. R	12,660.72	(2)
Atlantic & Yadkin Ry. Co	*57,470.72*	(2)
Augusta Southern R. R. Co	22,587.01	
Augusta Union Station Co	12,978.60	(2)
Augusta & Summerville R. R. Co	*286.90*	(2)
Baltimore, Chesapeake & Atlantic Ry. Co	86,647.38	
Baltimore Steam Packet Co.[1] [3]	100,793.08	97,661.46
Baltimore & Ohio R. R. Co	25,611,892.07	
Baltimore & Ohio Chicago Terminal R. R. Co	1,255,201.77	
Baltimore & Sparrows Point R. R. Co	55,520.12	(2)
Bangor & Aroostook R. R. Co	1,555,775.29	1,544,707.36
Barnegat R. R. Co	*8,867.25*	*8,888.76*
Barre & Chelsea R. R. Co	32,970.30	
Bath & Hammondsport R. R. Co	7,221.43	
Beaumont, Sour Lake & Western Ry. Co	*34,546.12*	
Beaumont Wharf & Terminal Co	4,191.72	(2)
Bellingham & Northern Ry. Co	40,305.24	39,353.41
Bellington & Northern R. R. Co	*1,337.35*	(2)
Belt Ry. Co. of Chicago	869,442.49	
Bennettsville & Cheraw R. R. Co	30,853.04	(2)
Bessemer & Lake Erie R. R. Co	4,674,714.44	4,713,564.00
Big Fork & International Falls Ry. Co	31,931.82	
Bingham & Garfield Ry. Co	1,234,492.96	
Birmingham & Northwestern Ry. Co	34,522.86	(2)
Birmingham Terminal Co	77,456.16	(2)
Black Mountain Ry. Co	34,285.23	34,154.40
Blue Ridge Ry. Co	37,887.22	(2)
Boston & Maine R. R	9,478,074.95	
Boyne City, Gaylord & Alpena R. R. Co	67,689.16	
Bridgeton & Saco River R. R. Co	16,136.37	
Brimstone Railroad & Canal Co	42,113.26	
Brooklyn Eastern District Terminal	306,259.63	(2)
Brownwood North & South Ry. Co	*8,522.07*	(2)

[1] Boat lines.

[2] We have examined the accounts of these carriers and have found no error requiring correction of the original certification.

[3] No operating returns made to the Commission. Operating income ascertained and certified at the request of the Director General.

[4] Private car lines.

Name of carrier.	Original certification.	Corrected certification.
Buffalo Creek R. R. Co.	$409,397.76	
Buffalo, Rochester & Pittsburgh Ry. Co.	3,276,410.42	$3,281,887.51
Buffalo & Susquehanna R. R. Corp.	592,627.53	591,612.97
Bullfrog Goldfield R. R. Co.	19,338.90	
Calumet, Hammond & Southeastern R. R. Co.	*10,619.94*	
Calumet Western Ry. Co.	*3,216.89*	
Canadian Pacific Ry. Co. lines in Maine	251,555.44	
Canadian Pacific Ry. Co.'s Pacific coast steamers in United States [3]	152,311.01	
Carolina, Clinchfield & Ohio Ry.	1,581,950.33	1,576,973.96
Carolina, Clinchfield & Ohio Ry. of S. C.	46,013.14	45,741.06
Carolina R. R. Co.	3,420.64	(2)
Carolina & Northwestern Ry. Co.	64,599.62	63,691.81
Carolina & Tennessee Southern Ry. Co.	*2,092.94*	(2)
Catasauqua & Fogelsville R. R. Co.	141,512.32	142,025.32
Central Elevator & Warehouse Co.[3]	74,466.42	(2)
Central New England Ry. Co.	1,468,123.63	(2)
Central New York Southern R. R. Corp.	16,502.19	
Central Indiana Ry. Co.	*61,743.10*	
Central of Georgia Ry. Co.	3,450,903.32	3,408,808.94
Central R. R. Co. of N. J.	9,352,301.13	9,405,979.07
Central Transfer Ry. & Storage Co.	2,986.33	
Central Union Depot & Ry. Co. of Cincinnati	114,842.27	115,198.56
Central Vermont Ry. Co.	779,097.58	(2)
Central Vermont Ry. Co. from operation of its Canadian lines	49,527.66	
Central Vermont Transportation Co.[1-3]	6,776.98	(2)
Champlain Transportation Co.[1-3]	*2,864.54*	
Charleston Terminal Co.	24,986.24	9,819.01
Charleston Union Station Co.	12,368.57	(2)
Charleston & Western Carolina Ry. Co.	466,921.15	495,685.24
Charlotte, Monroe & Columbia R. R.	*344.43*	(2)
Chattahooche Valley Ry. Co.	42,341.29	
Chattanooga Station Co.	43,604.48	42,591.08
Cherry Tree & Dixonville R. R. Co.	67,926.10	(2)
Chesapeake S. S. Co.[1-3]	102,048.99	114,573.20
Chesapeake & Ohio Ry. Co.	13,226,983.23	13,630,044.26
Chester & Delaware River R. R. Co.	161,332.28	160,571.45
Chesterfield & Lancaster R. R. Co.	1,267.43	(2)
Cheswick & Harmar R. R. Co.	*770.90*	
Chicago, Burlington & Quincy Ry. Co.	33,360,683.11	
Chicago, Detroit & Canada Grand Trunk Junction R. R. Co.	195,202.69	
Chicago Great Western R. R. Co.	2,953,449.94	(2)
Chicago Heights Terminal Transfer R. R. Co.	67,131.89	(2)
Chicago, Indianapolis & Louisville Ry.	1,620,258.75	
Chicago Junction Ry. Co.	916,804.03	
Chicago, Kalamazoo & Saginaw R. R. Co.	53,599.56	
Chicago, Memphis & Gulf R. R. Co.	45,699.03	(2)
Chicago, Milwaukee & Gary Co.	*87,514.03*	
Chicago, Milwaukee & St. Paul Ry. Co.	27,154,551.02	27,053,058.63
Chicago, New York & Boston Refrigerator Co.[4]	72,855.59	(2)
Chicago, Peoria & St. Louis R. R. Co., Bluford Wilson and William Cotter, receivers	127,540.49	
Chicago, Rock Island & Gulf Ry. Co.	968,302.31	
Chicago River & Indiana R. R. Co.	108,525.82	
Chicago, Rock Island & Pacific Ry. Co.	14,912,378.91	
Chicago, St. Paul, Minneapolis & Omaha Ry. Co.	4,934,789.51	4,931,622.60
Chicago, Terre Haute & Southeastern Ry. Co.	922,784.87	944,453.33
Chicago & Alton R. R. Co.	3,178,314.92	
Chicago & Eastern Illinois R. R. Co.	2,946,000.88	
Chicago & Erie R. R. Co.	225,129.17	
Chicago & North Western Ry. Co.	23,201,015.60	
Chicago & Western Indiana R. R. Co.	1,509,530.15	
Cincinnati, Burnside & Cumberland River Ry. Co.	4,239.02	3,786.52
Cincinnati, Findlay & Fort Wayne Ry. Co.	*51,802.01*	
Cincinnati, Indianapolis & Western R. R. Co.	422,212.83	
Cincinnati, Lebanon & Northern Ry. Co.	111,984.61	
Cincinnati, New Orleans & Texas Pacific Ry. Co.	3,541,039.53	
Cincinnati Northern R. R. Co.	317,628.01	
Cincinnati, Saginaw & Mackinaw R. R. Co.	*97,602.92*	
Cleveland, Cincinnati, Chicago & St. Louis R. R. Co.	9,938,597.23	
Clinton & Oklahoma Western Ry. Co.	45,241.33	(2)
Coal Belt Electric Ry. Co.	12,689.11	(2)
Coal & Coke Ry. Co.	282,322.54	
Colorado & Southern Ry. Co.	2,481,211.88	
Colorado & Southeastern R. R. Co.	34,982.75	
Columbia Union Station Co.	4,569.48	4,947.22
Connecting Terminal R. R. Co.	61,243.93	58,038.45
Cooperstown & Charlotte Valley R. R. Co.	*15,381.59*	(2)
Copper Range R. R. Co.	222,781.19	

[1] Boat lines.
[2] We have examined the accounts of these carriers and have found no error requiring correction of the original certification.
[3] No operating returns made to the Commission. Operating income ascertained and certified at the request of the Director General.
[4] Private car lines.

Name of carrier.	Original certification.	Corrected certification.
Cumberland R. R. Co.	*$412.32*	
Cumberland Valley R. R. Co.	1,228,966.51	$1,243,120.04
Cumberland & Pennsylvania R. R. Co.	235,806.00	236,186.82
Cuyahoga Valley Ry. Co.	*418.73*	
Dallas Terminal Ry. & Union Depot Co.	40,820.22	21,655.12
Danville & Western Ry. Co.	135,308.08	(2)
Dayton Union Ry. Co.	48,912.05	(2)
Dayton & Union R. R. Co.	*8,241.06*	(2)
Death Valley R. R. Co.	74,299.62	
Delaware, Lackawanna & Western R. R. Co.	15,749,476.74	
Delaware River Ferry Co., of New Jersey	*62,508.95*	(2)
Delaware & Hudson Co.	7,409,600.12	
Delaware & Northern R. R. Co.	6,649.96	
Delta Southern Ry.	*48,136.23*	
Denison & Pacific Suburban Ry. Co.	4,702.45	4,374.41
Dents Run R. R. Co.	*7,480.84*	
Denver Union Terminal Co.	90,921.91	(1)
Denver & Rio Grande R. R. Co.	8,319,376.67	8,054,260.17
Denver & Salt Lake R. R. Co.	353,289.67	
Des Moines Terminal Co.	8,367.60	(2)
Des Moines Union Ry. Co.	148,666.76	
Detroit, Bay City & Western R. R. Co.	85,967.39	82,865.91
Detroit, Grand Haven & Milwaukee Ry. Co.	146,643.56	
Detroit & Huron Ry. Co.	*21,157.26*	
Detroit, Toledo & Ironton R. R. Co.	225,895.02	215,467.09
Detroit Terminal Ry. Co.	186,460.40	
Detroit & Mackinac Ry. Co.	310,664.04	(2)
Detroit & Toledo Shore Line R. R. Co.	456,512.17	472,516.77
Direct Navigation Co.[1]	*11,857.50*	(2)
Duluth, Missabe & Northern Ry. Co.	5,122,051.04	(2)
Duluth, South Shore & Atlantic Ry. Co.	594,637.41	562,348.06
Duluth Terminal Ry. Co.	23,830.40	
Duluth Union Depot & Transfer Co.	22,175.84	(2)
Duluth & Iron Range R. R. Co.	2,355,241.74	(2)
Duluth & Superior Bridge Co.	33,048.48	
Dunleith & Dubuque Bridge Co.	138,178.32	(2)
Durham & Southern Ry. Co.	134,221.70	133,410.22
Durham Union Station Co.	6,953.00	(2)
Eastern Texas R. R. Co.	3,852.23	3,753.00
East St. Louis Connecting Ry. Co.	127,219.89	(2)
East and West Coast Railway Co.	*5,549.82*	
Eddystone & Delaware River R. R. Co.	2,733.50	(2)
Electric Short Line Ry. Co.[5]	*1,966.94*	
Elgin, Joliet & Eastern Ry. Co.	2,862,177.21	2,672,805.57
El Paso Union Passenger Depot Co.	20,050.45	(2)
El Paso & Southwestern Ry. Co.	4,145,102.30	
Erie R. R. Co.	15,503,938.92	
Escanaba & Lake Superior R. R. Co.	58,688.01	58,062.65
Evansville & Indianapolis R. R. Co.	*112,280.21*	
Fairchild & North-Eastern Ry. Co.	*19,469.43*	*28,812.26*
Farmers' Grain & Shipping Co.	5,555.30	4,944.55
Fernwood & Gulf R. R. Co.	41,550.21	(2)
Florida East Coast Ry. Co.	2,842,842.20	2,408,170.75
Fort Dodge, Des Moines & Southern R. R. Co.	579,071.75	589,340.43
Fort Smith & Western R. R. Co.	80,499.46	
Fort Street Union Depot Co.	118,960.33	
Fort Worth Belt Ry. Co.	55,108.96	
Fort Worth & Denver City Ry. Co.	1,891,386.40	
Fort Worth & Rio Grande Ry. Co.	1,300.99	*692.81*
Frankfort & Cincinnati Ry. Co.	8,435.07	
Gainesville Midland Ry.	22,731.58	
Gallatin Valley Ry. Co.	*8,980.77*	(2)
Galveston, Harrisburg & San Antonio Ry. Co.	3,230,644.60	
Galveston, Houston & Henderson R. R. Co.	127,366.25	
Galveston Wharf Co.	526,069.92	506,334.96
Georgia Coast & Piedmont R. R. Co.	*7,007.36*	
Georgia, Florida & Alabama Ry. Co.	57,637.73	(2)
Georgia Northern Ry. Co.	62,707.69	(2)
Georgia R. R. Lessee Organization	858,622.42	(2)
Georgia Southern & Florida Ry. Co.	511,457.13	(2)
Georgia Southwestern & Gulf R. R. Co.	21,957.97	
Georgia & Florida Ry.	*562.98*	
Gettysburg & Harrisburg Ry. Co.	38,955.46	39,274.03
Gilmore & Pittsburgh R. R. Co. (Ltd.)	40,376.93	(2)
Glenn-Pool Tank Line Co.[3][4]	11,592.22	(2)
Grand Canyon Ry. Co.	233,496.47	234,342.22
Grand Rapids & Indiana Ry.	929,385.42	
Grand Trunk Milwaukee Car Ferry Co.[1]	53,018.86	

[1] Boat lines.
[2] We have examined the accounts of these carriers and have found no error requiring correction of the original certification.
[3] No operating returns made to the Commission. Operating income ascertained and certified at the request of the Director General.
[4] Private car lines.
[5] Operated by electricity.

Name of carrier.	Original certification.	Corrected certification.
Grand Trunk Western Ry. Co	1,012,993.62	
Great Northern Ry. Co	28,666,681.07	
Green Bay & Western R. R. Co	204,877.83	$200,568.90
Greenwich & Johnsonville Ry. Co	49,534.30	
Gulf, Colorado & Santa Fe Ry. Co	2,828,217.50	
Gulf, Mobile & Northern R. R. Co	558,337.86	489,444.37
Gulf & Ship Island R. R. Co	597,455.62	595,883.21
Gulf Terminal Co	25,754.02	(2)
Gulf, Texas & Western Ry. Co	*44,609.81*	*45,863.52*
Hamilton Belt Ry. Co	7,040.29	(2)
Hannibal Connecting R. R. Co	*2,565.55*	
Harriman & Northeastern R. R. Co	51,645.62	51,441.42
Hartford & New York Transportation Co.[1]	150,863.69	
Hartwell Ry. Co	4,393.75	(2)
Hawkinsville & Florida Southern Ry. Co	3,433.30	(2)
High Point, Randleman, Asheboro & Southern R. R. Co	*28,146.94*	(2)
Hocking Valley Ry. Co	2,637,167.48	(2)
Houston Belt & Terminal Ry. Co	324,359.77	319,748.38
Houston East & West Texas Ry. Co	375,565.53	
Houston & Brazos Valley Ry. Co	31,416.52	
Houston & Shreveport R. R. Co	85,031.76	
Houston & Texas Central R. R. Co	1,717,505.76	
Hudson & Manhattan R. R. Co.[5]	3,003,362.77	(2)
Huntingdon & Broad Top Mountain R. R. & Coal Co	201,694.22	
Iberia & Vermillion R. R. Co	14,495.36	(2)
Illinois Central R. R. Co	16,282,373.55	
Illinois Terminal Railroad Co	192,823.50	
Indiana Harbor Belt R. R	296,053.57	
Indianapolis Union Ry. Co	226,781.02	
International & Great Northern Ry. Co	1,394,945.98	
Intermountain Ry. Co	9,204.31	
Interstate R. R. Co	83,786.51	82,752.47
Iowa Transfer Ry. Co	2,414.96	(2)
Jacksonville Terminal Co	43,707.64	(2)
Joliet Union Depot Co	22,664.53	25,764.53
Joplin Union Depot Co	30,044.58	(2)
Kanawha & Michigan Ry. Co	1,295,141.37	
Kanawha & West Virginia R. R. Co	45,260.63	
Kankakee & Seneca R. R. Co	*42,164.52*	
Kansas City, Clinton & Springfield Ry. Co	7,889.85	(2)
Kansas City, Mexico & Orient R. R. Co. and Kansas City, Mexico & Orient Ry. Co. of Texas, combined	9,073.39	
Kansas City, Shreveport & Gulf Terminal Co	6,014.66	(2)
Kansas City Southern Ry. Co	3,216,697.65	
Kansas City Terminal Ry. Co	1,999,313.50	
Kansas Southwestern Ry. Co	*43,852.04*	(2)
Kentucky & Indiana Terminal R. R. Co	279,247.79	(2)
Keokuk Union Depot Co	4,451.37	4,231.82
Keokuk & Hamilton Bridge Co	28,828.19	
Kewaunee, Green Bay & Western R. R. Co	95,958.60	97,632.32
Kinston-Carolina R. R. Co	9,708.39	(2)
Lackawanna & Montrose R. R. Co	*9,232.08*	(2)
Lake Charles & Northern R. R. Co	73,493.70	71,769.21
Lake Erie & Eastern R. R. Co	127,081.06	(2)
Lake Erie & Pittsburg Ry. Co	400,674.72	
Lake Erie & Western R. R. Co	1,548,541.69	
Lake George Steamboat Co.[1]	28,608.72	
Lake Superior Terminal & Transfer Ry. Co. of Wisconsin	*93.05*	(2)
Lake Superior & Ishpeming Ry. Co	134,584.95	150,879.75
Lawrenceville Branch R. R. Co	*501.01*	(2)
Leavenworth Depot & R. R. Co	14,933.32	(2)
Leavenworth Terminal Ry. & Bridge Co	43,583.48	(2)
Lehigh & Hudson River Ry. Co	519,371.13	(2)
Lehigh & New England R. R. Co	1,135,760.91	1,134,925.65
Lehigh Valley R. R. Co	11,321,233.25	11,318,714.48
Lewiston & Auburn R. R. Co	*22,251.78*	
Lexington Union Station Co	15,435.26	(2)
Lime Rock R. R. Co	22,349.89	
Litchfield & Madison Ry. Co	116,597.96	(2)
Little Kanawha R. R. Co	*11,339.35*	(2)
Long Island R. R. Co	3,221,948.91	
Lorain, Ashland & Southern R. R. Co	*108,877.98*	
Lorain & West Virginia Ry. Co	137,277.98	(2)
Los Angeles & Salt Lake R. R. Co	3,420,417.19	(2)
Louisiana & Arkansas Ry. Co	407,987.27	359,362.34
Louisiana & Mississippi R. R. Transfer Co.[1]	41,689.33	
Louisiana Ry. & Nav. Co	357,353.37	
Louisiana Southern Ry. Co	25,463.28	(2)
Louisiana Western R. R. Co	895,178.49	892,071.34
Louisville, Henderson & St. Louis R. R. Co	343,915.53	348,335.72

[1] Boat lines.
[2] We have examined the accounts of these carriers and have found no error requiring correction of the original certification.
[5] Operated by electricity.

Name of carrier.	Original certification.	Corrected certification.
Louisville and Jeffersonville Bridge and R. R. Co.	$169,701.70	
Louisville & Nashville R. R. Co.	17,310,494.67	
Louisville & Wadley R. R. Co.	2,547.66	(2)
Macon, Dublin & Savannah R. R. Co.	90,575.92	(2)
Macon Terminal Co.	79,741.69	(2)
Mackinac Transportation Co.[1]	*74,387.38*	
Maine Central R. R. Co.	2,955,696.88	$2,894,845.67
Manistee & North-Eastern R. R. Co.	74,863.50	
Manistique & Lake Superior Ry. Co.	21,453.73	(2)
Manitou & Pikes Peak Ry. Co.	29,922.68	
Manufacturers' Junction Ry. Co.	19,042.83	
Manufacturers' Ry. Co.	*44,381.21*	
Manufacturers' Ry. Co. (St. Louis, Mo.)	*10,183.52*	
Marion & Southern R. R. Co.	4,208.88	(2)
Marquette & Bessemer Dock & Nav. Co.[1]	19,407.63	17,229.72
Maryland, Delaware & Virginia Ry. Co.	49,543.23	42,536.22
McCloud River R. R. Co.	62,361.08	
Memphis, Dallas & Gulf R. R. Co.	28,295.70	
Memphis Union Station Co.	121,353.84	(2)
Merchants and Miners Transportation Co.[1]	629,929.42	
Meridian & Memphis Ry. Co.	29,215.74	(2)
Meridian Terminal Co.	13,987.64	(2)
Michigan Air Line Ry.	*83,482.25*	
Michigan Central R. R. Co.	8,052,127.48	
Middletown & Hummelstown R. R. Co.	*4,112.91*	*4,139.57*
Middletown & Unionville R. R. Co.	24,835.44	
Midland Valley R. R. Co.	444,345.95	441,675.49
Millers Creek R. R. Co.	4,006.62	
Milwaukee Terminal Ry. Co.	32,556.60	(2)
Mineral Range R. R. Co.	147,432.29	144,005.79
Minneapolis Eastern Ry. Co.	30,332.61	(2)
Minneapolis, Red Lake & Manitoba Ry.	14,633.72	
Minneapolis, St. Paul & Sault Sainte Marie Ry. Co.	10,547,428.70	10,578,977.09
Minneapolis & Rainy River Ry. Co.	*9,033.98*	
Minneapolis & St. Louis R. R. Co.	2,639,857.25	2,639,993.61
Minneapolis Western Ry. Co.	*3,538.67*	(2)
Minnesota Transfer Ry. Co.	96,250.07	101,322.94
Minnesota & International Ry. Co.	202,455.24	
Mississippi Central R. R. Co.	309,216.35	308,525.21
Missouri, Kansas & Texas Ry. Co.	5,853,831.21	
Missouri, Kansas & Texas Ry. Co. of Texas	621,773.00	
Missouri, Oklahoma & Gulf Ry. Co.	*83,603.08*	
Missouri, Oklahoma & Gulf Ry. Co. of Tex.	*44,358.33*	
Missouri Pacific R. R. Co.	14,206,814.14	13,978,029.12
Missouri Valley & Blair Ry. & Bridge Co.	*13,014.18*	(2)
Missouri & Illinois Bridge & Belt R. R. Co.	102,518.06	(2)
Missouri & North Arkansas R. R.	13,146.42	(2)
Mobile & Ohio R. R. Co.	2,597,478.39	2,620,125.39
Monongahela Ry. Co.	583,086.47	
Montauk Steamboat Co. (Ltd.)[1]	*27,895.39*	
Montpelier & Wells River R. R.	3,371.62	4,211.32
Morgan's Louisiana & Texas R. R. & S. S. Co.	1,188,525.58	1,189,622.56
Morgantown & Kingwood R. R. Co.	51,362.93	
Mount Hope Mineral R. R. Co.	19,171.43	
Muncie Belt Ry. Co.	7,141.18	7,031.90
Munising, Marquette & Southeastern Ry. Co.	93,281.70	93,684.23
Nashville, Chattanooga & St. Louis Ry. Co.	3,182,089.03	3,163,575.51
Natchez, Columbia & Mobile R. R. Co.	27.56	
Natchez & Louisiana Ry. Transfer Co.[1]	432.01	(2)
Natchez & Southern Ry. Co.	879.56	1,678.57
Nevada Copper Belt R. R. Co.	43,304.38	
Nevada Northern Ry. Co.	882,336.01	
New Bedford, Marthas Vineyard & Nantucket Steamboat Co.[1]	33,460.43	(2)
New England S. S. Co.[1]	866,429.21	(2)
New Iberia & Northern R. R. Co.	*39,460.46*	(2)
New Jersey & New York R. R. Co.	*8,710.35*	
New Orleans Great Northern R. R. Co.	575,951.79	519,904.35
New Orleans Terminal Co.	535,034.70	
New Orleans, Texas & Mexico Ry. Co.	218,773.01	
New Orleans & Northeastern R. R. Co.	1,204,992.06	
Newport & Richford R. R. Co.	*29,479.08*	
New River, Holston & Western Ry. Co.	4,407.08	(2)
New York Bay R. R. Co.	274,050.44	(2)
New York Central R. R. Co.	55,802,630.50	
New York, Chicago & St. Louis R. R. Co.	2,218,856.59	2,440,693.36
New York, New Haven & Hartford R. R. Co.	17,095,884.34	17,173,366.56
New York, Ontario & Western Ry. Co.	2,103,589.41	
New York, Philadelphia & Norfolk Ry. Co.	996,050.76	(2)
New York, Susquehanna & Western R. R. Co.	800,587.17	
New York & Long Branch R. R. Co.	248,011.01	
Norfolk Southern R. R. Co.	1,166,990.77	1,152,879.64

[1] Boat lines.

[2] We have examined the accounts of these carriers and have found no error requiring correction of the original certification.

Name of carrier.	Original certification.	Corrected certification.
Norfolk Terminal Ry. Co.	$44,336.94	(2)
Norfolk & Portsmouth Belt Line R. R. Co.	48,667.65	(2)
Norfolk & Western Ry. Co.	20,534,163.48	
Northeast Pennsylvania R. R. Co.	*23,793.83*	*$22,672.06*
Northampton & Bath R. R. Co.	*2,585.22*	
Northern Alabama Ry. Co.	150,582.97	152,935.71
Northern Pacific Ry. Co.	30,057,760.06	
Northern Pacific Terminal Co. of Oreg.	99,709.18	(2)
Northwestern Coal Ry. Co.	*3,242.17*	
Northwestern Pacific R. R. Co.	1,235,101.00	1,194,787.06
Northwestern R. R. Co. of S. C.	26,586.77	
Northwestern Terminal Ry. Co.	2,349.04	
Ocean S. S. Co. of Savannah [1]	1,048,782.69	1,051,382.69
Ocilla Southern R. R. Co.	*9,826.26*	
Ogden Union Ry. & Depot Co.	51,785.99	47,334.32
Ohio River & Western Ry. Co.	*18,819.70*	
Old Dominion S. S. Co. [1]	252,893.61	
Ontonagon R. R. Co.	126.67	199.66
Orange & Northwestern R. R. Co.	*27,441.12*	
Oregon Electric Ry. Co. [5]	141,146.38	139,619.02
Oregon Short Line R. R. Co.	10,196,749.74	10,201,618.94
Oregon Trunk Ry.	84,722.38	79,453.86
Oregon-Washington R. R. & Nav. Co.	4,519,352.44	4,491,883.11
Pacific Coast R. R. Co.	114,080.63	(2)
Pacific Fruit Express Co. [3] [4]	1,218,324.68	(2)
Panhandle & Santa Fe Ry. Co.	1,330,663.88	1,331,247.36
Paris & Great Northern R. R. Co.	*39,385.14*	(2)
Pecos Valley Southern Ry. Co.	1,832.75	
Peoria Ry. Term. Co.	38,402.38	(2)
Peoria & Pekin Union Ry. Co.	306,513.72	
Pennsylvania Co.	14,992,784.78	
Pennsylvania R. R. Co.	46,312,932.86	45,959,826.84
Pennsylvania Terminal Ry. Co.	175,240.89	(2)
Pere Marquette Ry. Co.	3,748,196.09	3,725,717.57
Perkiomen R. R. Co.	339,090.56	342,090.56
Philadelphia Belt Line R. R. Co.	8,525.99	(2)
Philadelphia Grain Elevator Co. [3]	98,749.82	(2)
Philadelphia, Newton & New York R. R. Co.	2,565.67	4,069.92
Philadelphia & Beach Haven R. R. Co.	*22,905.36*	(2)
Philadelphia & Camden Ferry Co. [1]	401,556.86	(2)
Philadelphia & Chester Valley R. R. Co.	5,074.21	5,779.11
Philadelphia & Reading Ry. Co.	15,868,331.36	
Philadelphia, Baltimore & Washington R. R. Co.	3,610,839.54	3,589,324.98
Pickering Valley R. R. Co.	24,917.31	24,954.94
Piedmont & Northern Ry. Co.	435,789.34	409,191.19
Pierre & Fort Pierre Bridge Ry. Co.	11,341.17	
Pierre, Rapid City & Northwestern Ry. Co.	*15,344.01*	(2)
Pine Bluff Arkansas River Ry.	*12,887.78*	
Pittsburgh, Chartiers & Youghiogheny Ry. Co.	180,614.38	
Pittsburgh, Cincinnati, Chicago & St. Louis R. R. Co.	11,334,093.67	
Pittsburgh & Lake Erie R. R. Co.	8,980,219.40	
Pittsburgh & Shawmut R. R. Co.	613,261.14	
Pittsburgh & West Virginia Ry. Co.	237,009.89	
Pontiac, Oxford & Northern R. R. Co.	*13,861.01*	
Port Arthur Canal & Dock Co. [3]	*36,049.44*	(2)
Port Huron Southern R. R. Co.	11,025.78	11,217.59
Portland Terminal Co.	274,689.90	261,482.35
Port Reading R. R. Co.	235,697.96	236,454.13
Port Townsend & Puget Sound Ry. Co.	*136.94*	(2)
Poteau Valley R. R. Co.	*3,232.19*	
Pueblo Union Depot & R. R. Co.	32,688.87	(2)
Puget Sound & Willapa Harbor Ry. Co.	82,149.27	(2)
Pullman Co.	12,323,595.53	(2)
Quanah, Acme & Pacific Ry. Co.	98,939.02	109,320.61
Quincy, Omaha & Kansas City R. R. Co.	29,396.50	
Raleigh & Charleston R. R. Co.	17,371.55	(2)
Railway Transfer Co. of Minneapolis	105,014.44	(2)
Rapid City, Black Hills & Western R. R. Co.	13,003.56	11,485.97
Raritan River R. R. Co.	160,256.70	
Reading & Columbia R. R. Co.	18,230.27	18,336.93
Richmond, Fredericksburg & Potomac R. R. Co.	1,137,373.75	1,136,973.75
Rio Grande, El Paso & Santa Fe R. R. Co.	18,060.06	17,682.99
Rio Grande Southern R. R. Co.	144,365.69	(2)
Rock Island Frisco Terminal Ry. Co.	167,034.76	(2)
Rockingham R. R. Co.	1,648.79	1,343.62
Roscoe, Snyder & Pacific Ry. Co.	69,570.35	

[1] Boat lines.
[2] We have examined the accounts of these carriers and have found no error requiring correction of the original certification.
[3] No operating returns made to the Commission. Operating income ascertained and certified at the request of the Director General.
[4] Private car lines.
[5] Operated by electricity.

Name of carrier.	Original certification.	Corrected certification.
Rosslyn Connecting R. R. Co	*$6,598.83*	(2)
Rupert & Bloomsburg R. R. Co	6,050.57	(2)
Rutland R. R. Co	1,023,883.21	$1,005,129.13
Saint Johns River Terminal Co	23,010.62	25,294.09
St. Johnsbury & Lake Champlain R. R. Co	*23,160.77*	*23,460.77*
St. Joseph Belt Ry. Co	44,854.81	(2)
St. Joseph & Grand Island Ry. Co	373,811.11	372,137.60
St. Joseph Terminal R. R. Co	14,083.73	15,618.23
St. Louis, Brownsville & Mexico Ry. Co	983,890.01	
St. Louis Merchants Bridge Terminal Ry	412,427.56	410,151.84
St. Louis National Stock Yards Co	40,474.56	
St. Louis & O'Fallon Ry. Co	99,702.27	(2)
St. Louis-San Francisco Ry. Co	13,690,212.98	
St. Louis, San Francisco & Texas Ry. Co	*327,035.36*	*332,953.25*
St. Louis Southwestern Ry. Co	3,355,748.99	
St. Louis Southwestern Ry. Co. of Tex	555,164.72	
St. Louis Transfer Ry. Co	*10,855.70*	(2)
St. Louis, Troy & Eastern R. R. Co	143,257.24	
St. Paul Bridge & Terminal Ry. Co	67,509.40	
St. Paul Union Depot Co	86,942.39	
Salt Lake City Union Depot & R. R. Co	70,434.88	(2)
San Antonio & Aransas Pass Ry. Co	373,051.70	357,478.99
San Antonio, Uvalde & Gulf R. R. Co	55,928.38	
Sandy River & Rangeley Lakes R. R	46,666.42	
Sandy Valley & Elkhorn Ry. Co	391,921.06	393,257.15
San Francisco & Portland S. S. Co.[1]	36,769.13	(2)
Savannah Union Station Co	27,429.09	(2)
Scholarie Valley Ry. Co	10,707.82	
Seaboard Air Line Ry. Co	6,497,024.85	
Seattle, Port Angeles & Western Ry. Co	72,664.93	(2)
Sharpsville R. R. Co	15,646.14	
Shreveport Bridge & Terminal Co	48,229.99	(2)
Sidell & Olney R. R. Co	*49,235.88*	
Sioux City Bridge Co	81,060.81	(2)
Sioux City Terminal Ry. Co	17,352.93	17,117.43
Southern Illinois & Missouri Bridge Co	120,011.67	(2)
Southern Pacific Co	38,021,937.62	
Southern Pacific Terminal Co	207,444.48	207,551.62
Southern Ry. Co	18,653,893.15	
Southern Ry. Co. in Miss	6,989.50	
Spokane International Ry. Co	190,908.85	
Spokane, Portland & Seattle Ry. Co	1,871,083.00	1,864,113.06
Standard & Hernando R. R. Co	*12,773.51*	(2)
Staten Island Rapid Transit Ry. Co	356,823.70	(2)
Stewartstown R. R. Co	10,327.44	
Stony Creek R. R. Co	17,368.77	17,454.27
Sullivan County R. R. Co	184,574.57	185,615.59
Sunset Ry. Co	64,562.79	
Susquehanna & New York R. R. Co	56,884.89	
Susquehanna, Bloomsburg & Berwick R. R. Co	49,722.26	(2)
Sussex R. R. Co	*29,937.64*	(2)
Sylvania Central Ry. Co	3,283.68	(2)
Tacoma Eastern R. R. Co	133,525.16	(2)
Tallulah Falls Ry. Co	5,353.98	5,386.53
Tamaqua, Hazelton & Northern R. R. Co	1,457.50	(2)
Tampa Northern R. R. Co	*22,276.84*	
Tampa Union Station Co	14,660.40	(2)
Tampa & Gulf Coast R. R. Co	2,359.80	(2)
Tennessee, Alabama & Georgia Ry. Co	*46,914.90*	
Tennessee Central R. R. Co	162,733.55	
Terminal R. R. Asso. of St. Louis	2,574,510.88	2,523,002.60
Texarkana & Fort Smith Ry. Co	318,729.68	
Texas City Terminal Co	37,771.30	
Texas Midland R. R	59,348.35	
Texas & New Orleans R. R. Co	715,135.69	
Texas & Pacific Ry. Co	4,107,432.49	
Texas Southeastern R. R. Co	23,012.96	
Tidewater Southern Ry. Co	7,251.27	7,391.00
Toledo, Peoria & Western Ry. Co	159,739.77	
Toledo, Saginaw & Muskegon Ry. Co	*115,737.85*	
Toledo Terminal R. R. Co	252,999.43	(2)
Toledo, St. Louis & Western R. R. Co	994,294.38	1,022,468.92
Toledo & Ohio Central Ry. Co	1,086,650.87	
Tonopah & Tidewater R. R. Co	182,638.84	
Trans-Mississippi Terminal R. R. Co	665,391.57	
Trinity & Brazos Valley R. R	*238,904.66*	(2)
Troy Union R. R. Co	11,852.69	(2)
Tug River & Kentucky River R. R. Co	19,698.73	(2)

[1] Boat lines.

[2] We have examined the accounts of these carriers and have found no error requiring correction of the original certification.

Name of carrier.	Original certification.	Corrected certification.
Ulster & Delaware R. R. Co	$128,009.47	.....
Union Depot Co. (Columbus, Ohio)	58,058.17	.....
Union Freight R. R. Co	32,009.69	$33,822.02
Union Pacific R. R. Co	23,700,008.61	23,670,741.02
Union R. R. Co. of Baltimore	1,387,766.97	(2)
Union Ry. Co. (Memphis, Tenn.)	84,690.41	.....
Union R. R. Co. (Pa.)	1,370,290.23	.....
Union Stock Yards Co. of Omaha (Ltd.)	149,812.64	.....
Union Terminal Ry. Co	29,678.71	.....
Union Terminal of Dallas	296,616.04	.....
Van Buren Bridge Co	8,269.88	(2)
Vermont Valley R. R. Co	133,499.08	135,954.48
Vicksburg, Shreveport & Pacific Ry. Co	*337,947.96*	.....
Virginia-Carolina Ry. Co	73,326.05	.....
Virginia Navigation Co.[1]	*2,240.60*	*2,182.27*
Virginian Ry. Co	3,247,603.41	3,234,725.32
Wabash Ry. Co	5,826,809.91	.....
Wadley Southern Ry. Co	*10,028.36*	(2)
Ware Shoals R. R. Co	10,553.30	.....
Washington Southern Ry. Co	468,432.81	467,230.04
Washington Terminal Co	664,072.00	.....
Washington & Vandemere R. R. Co	5,027.19	(2)
Waterloo, Cedar Falls & Northern Ry. Co.[5]	374,373.41	.....
Watertown & Sioux Falls Ry. Co	51,339.50	.....
Waupaca-Green Bay Ry	2,780.19	2,285.92
Waycross & Southern R. R. Co	*6,350.56*	.....
Waynesburg & Washington R. R. Co	12,028,15	.....
Weatherford, Mineral Wells & Northwestern Ry. Co	31,148.57	(2)
West Jersey & Seashore R. R. Co	952,681.93	952,878.22
West Side Belt R. R. Co	186,330.78	184,826.89
Western Allegheny R. R. Co	51,490.47	.....
Western Cable Ry. Co	*5,442.84*	.....
Western Maryland Ry. Co	3,079,593.35	3,075,048.35
Western Pacific R. R. Co	1,900,349.74	.....
Western Ry. of Alabama	288,237.53	.....
Wheeling & Lake Erie Ry. Co	1,586,037.32	.....
Wheeling Terminal Ry. Co	113,151.33	.....
Wichita Falls & Northwestern Ry. Co	145,245.24	144,003.82
Wichita Union Terminal Ry. Co	103,926.78	(2)
Wichita Valley Ry. Co	352,367.05	(2)
Wiggins Ferry Co	300,311.41	(2)
Wilkes-Barre Connecting R. R. Co	33,230.72	.....
Wilkes-Barre & Eastern R. R. Co	179,547.57	.....
Williamson & Pond Creek R. R. Co	9,304.64	(2)
Williams Valley R. R. Co	2,486.86	2,771.86
Winona Bridge Ry. Co	38,876.91	(2)
Winston-Salem Southbound Ry. Co	260,251.62	256,192.76
Wood River Branch R. R. Co	*5,797.24*	.....
Woodstock & Blocton Ry. Co	14,918.83	13,721.77
Wrightsville & Tennille R. R	24,496.61	26,548.15
Wyoming & Northwestern Ry. Co	180,029.97	(2)
Yadkin R. R. Co	52,950.56	(2)
Yazoo & Mississippi Valley R. R. Co	3,862,317.83	.....
York Harbor & Beach R. R. Co	5,371.74	5,880.23
Zanesville & Western Ry. Co	*107,598.45*	(2)

[1] Boat lines.
[2] We have examined the accounts of these carriers and have found no error requiring correction of the original certification.
[5] Operated by electricity.

APPENDIX G.

APPLICATIONS FOR ADVANCE PAYMENTS AND CERTIFICATES ISSUED UNDER SECTION 209, SUBDIVISION (*h*), TRANSPORTATION ACT, 1920.

APPLICATIONS AND CERTIFICATIONS UNDER SECTION 209 (h), TRANSPORTATION ACT, 1920.

Name of carrier.	Applications filed.		Certificates issued.	
	Date.	Amount.	Date.	Amount.
	1920.		1920.	
Adirondack & St. Lawrence R. R. Co.	July 14	$4,929.00	Aug. 10	$4,929.00
American Railway Express Co.	Aug. 14	22,331,105.86	Aug. 28	19,700,000.00
American Refrigerator Transit Co.	Apr. 16	348,375.00	.....	.....
Ann Arbor R. R. Co.	Mar. 30	78,020.00	.....	.....
Do.	May 17	300,000.00	May 26	100,000.00
Do.	Aug. 6	140,000.00	Aug. 18	140,000.00
Aransas Harbor Terminal Ry.	Apr. 21	24,000.00	May 6	12,000.00
Atlanta, Birmingham & Atlantic Ry. Co.	May 6	780,000.00	May 10	150,000.00
Do.	May 29	680,000.00	June 10	200,000.00
Do.	July 6	460,000.00	Aug. 14 Oct. 19	100,000.00 206,000.00
Do.	Aug. 13	113,625.00	Aug. 31	100,000.00
Atlanta & St. Andrews Bay Ry. Co.	Mar. 24	76,683.16	Mar. 26	30,000.00
Do.	June 16	35,000.00	Aug. 31	15,000.00
Atlantic Coast Line R. R. Co.	Aug. 19	2,500,000.00	Aug. 28	2,500,000.00
Atlantic & Western R. R. Co.	June 19	12,000.00	June 26	7,000.00
Do.	Aug. 16	10,000.00	Aug. 27	8,000.00
Baltimore, Chesapeake & Atlantic Ry. Co.	Aug. 21	159,300.00	Aug. 28	159,300.00
Baltimore & Ohio R. R. Co.	Aug. 13	14,000,000.00	Aug. 19 Oct. 19	6,500,000.00 7,500,000.00
Bangor & Aroostook R. R. Co.	May 25	456,500.00	.....	.....
Do.	Aug. 26	284,000.00	Aug. 27	284,000.00
Birmingham & Northwestern Ry. Co.	July 26	35,000.00	July 31 Aug. 31	20,000.00 5,000.00
Do.	July 31	10,000,00	Aug. 12	8,000.00
Boston & Maine R. R.	Aug. 12	4,000,000.00	Aug. 18	4,000,000.00
Boyne City, Gaylord & Alpena R. R. Co.	July 10	40,000.00	July 23	30,000.00
Brooklyn Eastern District Terminal	June 8	300,000.00	June 17 July 19	100,000.00 100,000.00
Buffalo, Rochester & Pittsburgh Ry. Co.	Mar. 25	766,000.00	Mar. 26	766,000.00
Do.	July 21	737,000.00	July 23	300,000.00
Bullfrog Goldfield R. R. Co.	Apr. 26	9,669.45	May 10	2,500.00
Do.	June 2	7,169.45	July 9	5,000.00
Cape Girardeau Northern Ry.[2]	June 4	46,000.00	.....	.....
Carrollton & Worthville R. R.	June 28	5,000.00	July 8 Oct. 13	2,500.00 1,500.00
Do.	July 26	6,906.17	Aug. 4 Aug. 31	4,000.00 3,000.00
Central of Georgia Ry. Co.	Aug. 17	2,000,000.00	Aug. 24	1,750,000.00
Do.	Aug. 31	1,500,000.00	Oct. 11	700,000.00
Central New England Ry. Co.	Apr. 19	859,000.00	May 4	457,000.00
Do.	May 20	544,000.00	June 4 Aug. 12	416,000.00 128,000.00
Do.	Aug. 28	531,670.00	Aug. 31	531,670.00
Central R. R. Co. of N. J.	June 28	1,330,000.00	July 6	1,330,000.00
Do.	Aug. 3	1,816,411.00	Aug. 14	1,816,411.00
Do.	Aug. 30	2,300,000.00	Oct. 15	2,000,000.00
Central Vermont Ry. Co.	May 12	100,000.00	May 19	100,000.00
Do.	June 30	150,000.00	July 13	150,000.00
Do.	Aug. 3	125,000.00	Aug. 25	475,000.00
Do.	Aug. 16	350,000.00		
Do.	...do....	50,000.00	Aug. 25	[1] 50,000.00
Do.	Aug. 28	550,000.00	Oct. 25	200,000.00
Central Vermont Transportation Co.	July 15	50,000.00	.....	.....
Charleston & Western Carolina Ry. Co.	Aug. 19	220,000.00	Aug. 25	220,000.00
Chesapeake & Ohio Ry. Co.	Aug. 18	2,700,000.00	Aug. 28 Oct. 9	1,640,000.00 1,060,000.00
Chesapeake Western Ry.	July 12	10,000.00	July 26 Aug. 3	5,000.00 5,000.00
Chesterfield & Lancaster R. R. Co.	July 13	21,799.28	.....	.....
Chicago & Alton R. R. Co.	Aug. 13	700,000.00	Aug. 31	700,000.00
Chicago & Eastern Illinois R. R. Co.[2]	Aug. 27	1,600,000.00	...do....	1,500,000.00
Chicago & Erie R. R. Co.	June 17	635,000.00	June 28	485,000.00
Do.	Aug. 24	800,000.00	Aug. 30	450,000.00
Chicago Great Western R. R. Co.	July 19	1,709,585.88	July 24 Aug. 18	1,200,000.00 500,000.00
Chicago, Indianapolis & Louisville Ry.	Aug. 7	500,000.00	Aug. 19 Oct. 13	350,000.00 150,000.00
Chicago Junction Ry.	June 8	500,000.00	June 17 July 13	250,000.00 250,000.00
Do.	Aug. 9	500,000.00	Aug. 14	500,000.00

[1] For account of subsidiary carriers by water.
[2] Applications filed by and certificates issued in favor of receivers.

Applications and certifications under section 209 (h), Transportation Act, 1920—Continued.

Name of carrier.	Applications filed.		Certificates issued.	
	Date.	Amount.	Date.	Amount.
	1920.		1920.	
Chicago, Milwaukee & Gary Ry.	June 1	$28,534.00	June 10	$28,534.00
Do.	July 23	28,163.00	July 31	28,163.00
Do.	Aug. 20	57,032.00	Aug. 31	35,000.00
Chicago, Milwaukee & St. Paul Ry. Co.	May 14	7,096,453.77	May 21 June 24 July 9	2,265,000.00 4,340,000.00 493,000.00
Do.	July 9	728,245.00	July 23	728,245.00
Do.	July 30	6,472,006.00	Aug. 10 Aug. 27	4,935,457.00 1,536,000.00
Chicago, Peoria & St. Louis R. R. Co.[2]	June 12	76,000.00	June 19	76,000.00
Do.	Aug. 30	162,000.00	Aug. 31	162,000.00
Chicago River & Indiana R. R. Co.	June 8	75,000.00	Aug. 10	75,000.00
Chicago, St. Paul, Minneapolis & Omaha Ry. Co.	Aug. 12	900,000.00	Aug. 21	900,000.00
Cincinnati, Indianapolis & Western R. R. Co.	Aug. 6	150,000.00	Aug. 14 Aug. 31	50,000.00 100,000.00
Cumberland & Manchester R. R. Co.	Apr. 26	35,234.74	.....	.....
Do.	May 21	45,810.05	May 26	8,000.00
Delaware & Hudson Co.	Apr. 20	2,892,370.53	Apr. 28	750,000.00
Do.	May 28	1,807,626.08	June 12 June 29	630,000.00 815,000.00
Delaware, Lackawanna & Western R. R. Co.	June 5	3,126,775.62	June 17 July 15 Oct. 12	1,142,000.00 1,282,503.60 700,000.00
Do.	Aug. 18	2,000,000.00	Aug. 28	2,000,000.00
Delaware & Northern R. R. Co.	Apr. 31	51,500.00	May 10	3,500.00
Do.	July 7	29,336.00	July 24	15,000.00
Denver & Salt Lake R. R. Co.[2]	Mar. 29	215,000.00	Apr. 1	215,000.00
Do.	May 29	160,000.00	June 8	160,000.00
Do.	Aug. 24	100,000.00	Aug. 31	50,000.00
Detroit, Bay City & Western R. R. Co.	Mar. 30	50,000.00	May 10	25,000.00
Do.	June 11	85,000.00	June 17 July 17 Aug. 31	25,000.00 15,000.00 25,000.00
Detroit Terminal Ry. Co.	Apr. 21	100,000.00	.....	.....
Do.	June 23	115,000.00	July 17	100,000.00
Detroit & Toledo Shore Line R. R. Co.	July 8	157,710.00	.....	.....
Duluth, South Shore & Atlantic Ry. Co.	Aug. 24	281,687.49	Aug. 31	281,500.00
East & West Coast Ry.	July 16	22,712.80	.....	.....
Electric Short Line Ry. Co.	Apr. 9	93,238.00	May 17	25,000.00
Do.	May 24	68,258.50	June 19	20,000.00
Electric Short Line Terminal	Apr. 12	18,547.00	.....	.....
Erie Railroad Co.	June 17	4,765,000.00	June 28 July 22	3,615,000.00 1,150,000.00
Do.	Aug. 24	10,500,000.00	Aug. 31	5,500,000.00
Fernwood, Columbia & Gulf R. R. Co.	July 1	35,000.00	July 22 Aug. 14 Aug. 31	15,000.00 10,000.00 10,000.00
Florida Central & Gulf.	July 16	26,597.54	.....	.....
Fourche River Valley & Indian Territory Ry.	June 8	29,212.00	July 15 Aug. 19	12,000.00 4,500.00
Franklin & Pittsylvania R. R.	July 7	11,485.61	June 20 Oct. 12	5,000.00 6,000.00
Fort Dodge, Des Moines & Southern R. R. Co.	May 12	137,500.00	May 22 May 29	75,000.00 62,500.00
Gainesville Midland Ry.	June 28	4,324.28	July 2	4,300.00
Do.	Aug. 30	7,065.69	.....	.....
Gainesville & Northwestern R. R.	Aug. 12	8,451.86	Aug. 19 Oct. 12	4,500.00 3,900.00
Georgia & Florida Ry.[2]	May 6	374,300.00	May 10	145,000.00
Do.	July 16	265,361.00	July 28	150,000.00
Do.	Aug. 16	251,405.78	Aug. 31	100,000.00
Georgia, Florida & Alabama Ry. Co.	June 1	100,000.00	June 4 Aug. 31 ....do..	50,000.00 20,000.00 20,000.00
Great Northern Ry. Co.	June 15	3,000,000.00	June 25	3,000,000.00
Do.	Aug. 23	3,500,000.00	Aug. 31	2,000,000.00
Gulf, Florida & Alabaman Ry.[2]	June 2	75,000.00	June 7	25,000.00
Do.	June 26	100,000.00	July 1	75,000.00
Do.	Apr. 6	225,000.00	Apr. 12	75,000.00
Do.	July 26	75,000.00	Aug. 10	25,000.00
Gulf, Mobile & Northern.	June 21	312,000.00	June 29 July 29 Aug. 21	100,000.00 100,000.00 112,000.00
Do.	July 31	141,000.00	Aug. 7	141,000.00
Do.	Aug. 28	150,000.00	Aug. 31	75,000.00

[2] Applications filed by and certificates issued in favor of receivers.

Applications and certifications under section 209 (h), Transportation Act, 1920—Continued.

Name of carrier.	Applications filed.		Certificates issued.	
	Date.	Amount.	Date.	Amount.
	1920.		1920.	
Gulf & Ship Island R. R. Co.	Aug. 30	$245,000.00	Aug. 31	$245,000.00
Gulf, Texas & Western Ry. Co.	May 18	105,000.00	May 26	45,000.00
Do.	July 1	60,000.00	July 10 July 29	20,000.00 30,000.00
Hawkinsville & Florida Southern Ry. Co.	June 23	100,384.17		
Do[2]	Aug. 20	95,000.00	Aug. 25	65,000.00
Houston & Brazos Valley Ry. Co.[2]	do	37,000.00	Oct. 12	37,000.00
Huntingdon & Broad Top Mountain R. R. & Coal Co.	July 27	82,715.00	Aug. 14	82,715.00
Illinois Central R. R. Co.	Aug. 2	8,000,000.00	Aug. 20 Aug. 25	3,000,000.00 5,000,000.00
International & Great Northern Ry. Co.[2]	Apr. 5	365,000.00	Apr. 12	365,000.00
Do.	Aug. 18	1,000,000.00	Aug. 25	1,000,000.00
Do.	do	450,000.00	Oct. 25	450,000.00
Jefferson & Northwestern Ry.	July 9	30,000.00	July 30	15,000.00
Kansas City, Mexico & Orient R. R. Co.[2]	Mar. 31	120,000.00	Apr. 7	120,000.00
Do.	May 29	126,000.00	June 12	126,000.00
Do.	July 26	240,000.00	Aug. 25 Oct. 21	50,000.00 150,000.00
Do.	Aug. 23	75,000.00		
Kansas City, Mexico & Orient Ry. Co. of Texas.	Mar. 31	89,000.00	Apr. 7	89,000.00
Do.	May 29	154,000.00	June 12	154,000.00
Do.	July 26	227,000.00	Aug. 4 Aug. 25	110,000.00 117,000.00
Kansas City Southern Ry. Co.	July 22	800,000.00		
Do.	Aug. 17	800,000.00	Aug. 25	600,000.00
Kansas, Oklahoma & Gulf Ry.	June 22	42,000.00		
Do.	Aug. 20	100,000.00	Aug. 31	100,000.00
Lehigh Valley R. R. Co.	Apr. 14	2,000,000.00	Apr. 24	500,000.00
Do.	May 12	1,500,000.00	May 21	1,500,000.00
Do.	June 21	1,500,000.00	July 1	1,500,000.00
Do.	Aug. 10	2,000,000.00	Aug. 31	2,000,000.00
Louisiana Ry. & Navigation Co.	June 28	40,000.00		
Louisville & Nashville R. R. Co.	Aug. 21	2,000,000.00	Aug. 31	2,000,000.00
Macon, Dublin & Savannah R. R. Co.	July 13	138,077.78	July 17	50,000.00
Maine Central R. R.	June 14	1,550,000.00	June 24 Oct. 25	1,000,000.00 550,000.00
Do.	Aug. 2	750,000.00	Aug. 12	750,000.00
Marion & Rye Valley Ry.	June 19	5,250.00	July 1	5,250.00
Maryland, Delaware & Virginia Ry. Co.	Aug. 21	142,606.00	Aug. 30	85,000.00
Maxton, Alma & Southbound R. R.	Aug. 30	7,542.83	Aug. 31	3,000.00
Memphis, Dallas & Gulf.	Apr. 16	215,847.00	Apr. 27	50,000.00
Do.	May 29	177,167.00	June 10 July 30	25,000.00 15,000.00
Meridian & Memphis Ry. Co.	Aug. 12	30,000.00	Aug. 21	20,000.00
Midland Railway.	May 12	20,000.00	May 14	20,000.00
Do.	Aug. 18	10,000.00	Aug. 20	10,000.00
Mineral Range R. R. Co.	Aug. 24	130,364.56	Oct. 11	70,000.00
Minneapolis & St. Louis R. R. Co.	Apr. 26	250,000.00	May 4	250,000.00
Do.	June 25	400,000.00	June 4	300,000.00
Do.	June 21	300,000.00	July 6	150,000.00
Do.	Aug. 9	1,741,000.00	Aug. 20 Oct. 25	850,000.00 200,000.00
Minneapolis, St. Paul & Sault Ste. Marie Ry. Co.	July 7	3,491,032.88	July 15 Aug. 26	1,000,000.00 2,135,000.00
Missouri & North Arkansas R. R.[2]	Apr. 8	264,250.00 63,000.00	Apr. 20 Aug. 9	200,000.00 100,000.00
Missouri, Kansas & Texas Ry. Co.[2]	June 28	928,967.47		
Do.	Aug. 6	1,108,570.00	Aug. 14	700,000.00
Missouri, Kansas & Texas Ry. Co. of Texas[2]	June 28	1,139,708.75		
Do.	Aug. 6	816,578.04	Aug. 25	2,870,000.00
Do.	Aug. 14	917,569.19		
Missouri Pacific R. R. Co.	July 21	4,175,000.00	July 30	1,383,000.00
Do.	Aug. 12	7,148,407.00	Aug. 25	7,100,000.00
Mobile and Ohio R. R. Co.	May 17	1,391,428.00	May 26 Aug. 7	550,000.00 400,000.00
Monson Railroad.	June 23	3,900.00	July 22	3,000.00
Mount Jewett, Kinzua & Riterville R. R.	July 3	9,000.00	July 15 Aug. 14 Oct. 25	4,500.00 1,500.00 3,000.00
Muscatine, Burlington & Southern R. R.	June 24	60,000.00	Aug. 7 Oct. 12	36,000.00 10,000.00
Nashville, Chattanooga & St. Louis Ry.	July 30	1,531,000.00	Aug. 12 Aug. 20	300,000.00 900,000.00
Nevada Copper Belt R. R.	May 14	30,000.00	May 24	10,000.00

[2] Applications filed by and certificates in favor of receivers.

Applications and certifications under section 209 (h), Transportation Act, 1920—Continued.

Name of carrier.	Applications filed.		Certificates issued.	
	Date.	Amount.	Date.	Amount.
	1920		1920	
Nevada Copper Belt R. R	June 19	$25,000.00	July 1	$10,000.00
Do	Aug. 2	10,000.00	Aug. 7	5,000.00
			Aug. 31	5,000.00
New Orleans, Texas & Mexico Ry	May 21	669,784.00		
Do	Aug. 2	669,784.00	Aug. 13	500,000.00
New York Connecting R. R	May 7	1,496,000.00		
Do	Aug. 28	425,000.00		
New York, New Haven & Hartford R. R. Co	Apr. 19	3,878,000.00	May 4	923,000.00
Do	May 20	7,757,000.00	May 28	2,504,000.00
			Aug. 27	4,000,000.00
Do	Apr. 19	771,200.00	July 29	[1] 771,200.00
Do	Aug. 28	2,366,000.00	Aug. 31	2,366,000.00
New York, Philadelphia & Norfolk Ry. Co	Aug. 21	256,000.00	Aug. 28	256,000.00
New York, Susquehanna & Western R. R. Co	July 24	300,000.00	Aug. 2	300,000.00
Do	Aug. 25	338,000.00	Aug. 30	250,000.00
Norfolk & Portsmouth Belt Line R. R. Co	Aug. 30	40,000.00	Aug. 31	30,000.00
Norfolk Southern R. R. Co	July 14	310,000.00	July 20	310,000.00
Do	Aug. 2	240,000.00	Aug. 12	240,000.00
Do	Aug. 26	150,000.00	Aug. 31	75,000.00
			Oct. 9	75,000.00
Norfolk & Western Ry. Co	June 28	2,000,000.00	July 17	1,000,000.00
			Aug. 4	1,000,000.00
Do	Aug. 6	4,000,000.00	Aug. 20	4,000,000.00
Northern Pacific Ry. Co	...do...	5,000,000.00	Aug. 14	5,000,000.00
Ocilla Southern R. R. Co [2]	May 26	20,000.00	July 3	8,000.00
Paris & Mount Pleasant R. R. Co [2]	July 26	75,000.00	Aug. 7	50,000.00
Pennsylvania Railroad Co	May 22	14,600,000.00	June 9	8,000,000.00
			July 21	6,600,000.00
Do	July 30	38,400,000.00	Aug. 12	30,000,000.00
			Aug. 27	8,400,000.00
Peoria & Pekin Union Ry. Co	Aug. 3	245,582.80	Aug. 12	225,000.00
			Oct. 19	20,500.00
Philadelphia & Reading Ry. Co	Mar. 26	3,000,000.00		
Do	June 19	2,500,000.00	Aug. 23	2,500,000.00
Pittsburgh, Cincinnati, Chicago & St. Louis R. R. Co	Aug. 6	6,100,000.00	Aug. 20	6,100,000.00
Pittsburgh & West Virginia Ry. Co	Apr. 2	300,000.00	Apr. 26	100,000.00
Do	May 12	200,000.00		
Do	Aug. 19	231,713.29	Aug. 28	75,000.00
Randolph & Cumberland R. R. Co	Mar. 26	7,500.00	June 24	7,500.00
Do	Aug. 2	7,500.00	Aug. 7	2,500.00
Do	Aug. 13	5,000.00	Oct. 12	5,000.00
Rapid City, Black Hills & Western R. R. Co	June 22	51,011.02	July 1	12,000.00
Rutland Railroad Co	May 8	250,000.00	May 20	125,000.00
Do	June 19	125,000.00	June 26	125,000.00
Seaboard Air Line Ry. Co	Apr. 17	6,150,510.00	May 4	1,200,000.00
			June 29	750,000.00
			July 23	1,000,000.00
Do	Aug. 13	3,892,525.00	Aug. 20	3,500,000.00
Do	Aug. 27	125,980.43	Aug. 31	[1] 75,000.00
Shearwood Ry	June 19	5,000.00	June 26	1,500.00
			July 13	1,000.00
St. Joseph & Grand Island Ry. Co	June 16	135,000.00		
Do	Aug. 11	275,000.00	Aug. 25	220,000.00
St. Louis-San Francisco Ry. Co	Aug. 6	3,000,000.00	Aug. 20	3,000,000.00
Southern Ry. Co. in Mississippi	May 17	109,020.00		
Spokane, Portland & Seattle Ry. Co	Aug. 31	350,000.00	Oct. 11	200,000.00
Tampa & Gulf Coast R. R. Co	July 13	103,778.81		
Tampa Northern R. R. Co	...do...	17,418.75		
Terminal R. R. Asso. of St. Louis	July 31	2,231,557.47	Aug. 14	1,000,000.00
Toledo, St. Louis & Western R. R. Co	June 21	707,000.00		
Trinity & Brazos Valley R. R. Co. [2]	May 29	403,407.00	June 5	205,000.00
			Aug. 31	75,000.00
Union Stock Yards Co. of Omaha (Ltd.)	Aug. 23	65,000.00	Oct. 23	65,000.00
Virginia-Southern R. R. Co	June 19	4,500.00	July 6	4,500.00
Wabash Ry. Co	Apr. 20	2,100,000.00	Apr. 27	1,000,000.00
Do	June 22	4,706,000.00	July 1	2,000,000.00
Do	Aug. 16	6,140,000.00	Aug. 25	1,577,000.00
			Oct. 27	500,000.00
Waterloo, Cedar Falls & Northern Ry. Co	May 25	145,000.00	June 19	85,000.00
Western Maryland Ry. Co	Aug. 19	1,000,000.00	Aug. 30	500,000.00
Do	Aug. 31	1,400,000.00	Oct. 11	500,000.00
West Side Belt R. R. Co	Apr. 2	65,000.00		
Wheeling & Lake Erie Ry. Co	Aug. 31	500,000.00	Aug. 31	500,000.00
Wichita Falls & Northwestern Ry. Co. [2]	June 28	138,354.68	Aug. 7	138,000.00

[1] For account of subsidiary carriers by water.
[2] Applications filed by and certificates issued in favor of receivers.

Applications and certifications under section 209 (h), Transportation Act, 1920—Continued.

Name of carrier.	Applications filed.		Certificates issued.	
	Date.	Amount.	Date.	Amount.
	1920.		1920.	
Wichita Falls & Northwestern Ry. Co.	Aug. 6	$74,797.98	Aug. 13	$74,800.00
Do.	Aug. 14	103,677.79	Aug. 23	75,000.00
Wichita Northwestern Ry.	Apr. 8	30,000.00	Apr. 20	15,000.00
			June 4	5,000.00
Do.	June 22	10,000.00	July 1	5,000.00
			Aug. 18	5,000.00
Wilkes-Barre & Eastern R. R. Co.	July 24	50,000.00	Aug. 3	40,000.00
Do.	Aug. 25	118,000.00	Aug. 31	100,000.00
Winston-Salem Southbound Ry. Co.	May 2	100,000.00	June 21	30,000.00

SUMMARY.

Number of carriers applying	149
Number of applications filed	243
Total amount applied for	[3] $304,676,476.79
Number of certificates issued	270
Total amount certified	$249,165,874.00

[3] The amounts applied for were in many cases duplicated by the carriers in successive applications, thus unduly increasing the total.

INDEX.

○